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Matt Blunt

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE . . .

Check your rulemakings!

Please remember, once your rulemaking is published in *Register* and *Code*, your responsibility is still not quite complete. Because the rules are your agency's rules, you must still verify that the published content is exactly as you want it to appear. When the *Register* copy is published (2 times per month) – take a moment to double-check your content. Likewise, when the *Code* copy is published (1 time per month) – take another look at your rulemaking. Once your content is published in *Code*, we cannot change the *Code* copy without a new amendment from your agency. Please assist us in making certain we are publishing your rulemaking as your agency intends. We are the publisher – you are our customers – we want to do the best possible job for you. However, if we are unaware of a problem, we cannot correct the same.

We need your help – survey coming!

In the next few weeks, watch your mail for a survey from Administrative Rules. We are looking for complete honesty and openness from you in ways we might better serve you, services we might be able to offer, tips, suggestions, complaints, critiques and yes, we will even accept compliments! Our survey is short and will only take a few minutes to complete – plus, you might even receive a small gift or two as an expression of our appreciation for your time and trouble! Thanks in advance for your prompt response to the survey when received.

As always, please contact us if we may assist you in any way with the rulemaking process.

Lynne C. Angle
Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or (thirty) 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director hereby terminates an emergency amendment effective **October 30, 2002**, as follows:

9 CSR 10-5.200 Report of Complaints of Abuse, Neglect and Misuse of Funds/Property **is terminated**.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 615–617).

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

EMERGENCY AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The division is amending the monthly income ranges contained in the LIHEAP Income Ranges Chart immediately following subsection (3)(D) of this rule.

PURPOSE: This amendment adjusts the monthly income amounts on the LIHEAP Income Ranges Chart to reflect changes made in the federal poverty guidelines.

*EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare which requires emergency action. This emergency amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the **Missouri** and **United States Constitutions** and limits the scope of the emergency amendment to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October, 2002. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.*

The rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed September 19, 2002, effective October 3, 2002, expires March 31, 2003.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

[LIHEAP INCOME RANGES CHART
Monthly Income Amounts

Household Size	*Income Range*	*Income Range*	*Income Range*	*Income Range*	*Income Range*
1	*$0–179*	*$180–359*	*$360–539*	*$540–719*	*$720–895*
2	*$0–242*	*$243–485*	*$486–728*	*$729–971*	*$972–1,209*
3	*$0–280*	*$281–561*	*$562–842*	*$843–1,123*	*$1,124–1,402*
4	*$0–338*	*$339–677*	*$678–1,016*	*$1,017–1,355*	*$1,356–1,692*
5	*$0–396*	*$397–793*	*$794–1,190*	*$1,191–1,587*	*$1,588–1,981*
6	*$0–454*	*$455–909*	*$910–1,364*	*$1,365–1,819*	*$1,820–2,270*
7	*$0–512*	*$513–1,025*	*$1,026–1,538*	*$1,539–2,051*	*$2,052–2,560*
8	*$0–570*	*$571–1,141*	*$1,142–1,713*	*$1,714–2,284*	*$2,285–2,849*
9	*$0–628*	*$629–1,257*	*$1,258–1,886*	*$1,887–2,515*	*$2,516–3,139*
10	*$0–686*	*$687–1,373*	*$1,374–2,060*	*$2,061–2,747*	*$2,748–3,428*
11	*$0–743*	*$744–1,487*	*$1,488–2,231*	*$2,232–2,975*	*$2,976–3,717*
12	*$0–801*	*$802–1,603*	*$1,604–2,405*	*$2,406–3,207*	*$3,208–4,007*
13	*$0–859*	*$860–1,718*	*$1,719–2,578*	*$2,579–3,438*	*$3,439–4,296*
14	*$0–917*	*$918–1,834*	*$1,835–2,752*	*$2,753–3,670*	*$3,671–4,586*
15	*$0–975*	*$976–1,950*	*$1,951–2,926*	*$2,927–3,902*	*$3,903–4,875*
16	*$0–1,033*	*$1,034–2,066*	*$2,067–3,100*	*$3,101–4,134*	*$4,135–5,165*
17	*$0–1,091*	*$1,092–2,182*	*$2,183–3,274*	*$3,275–4,366*	*$4,367–5,454*
18	*$0–1,149*	*$1,150–2,298*	*$2,299–3,448*	*$3,449–4,598*	*$4,599–5,743*
19	*$0–1,207*	*$1,208–2,414*	*$2,415–3,622*	*$3,623–4,830*	*$4,831–6,033*
20	*$0–1,264*	*$1,265–2,528*	*$2,529–3,793*	*$3,794–5,058*	*$5,059–6,322]*

LIHEAP INCOME RANGES CHART
Monthly Income Amounts

Household Size	**Income Range**	**Income Range**	**Income Range**	**Income Range**	**Income Range**
1	**$0–185**	**$186–371**	**$372–557**	**$558–743**	**$744–923**
2	**$0–249**	**$250–499**	**$500–749**	**$750–999**	**$1,000–1,244**
3	**$0–288**	**$289–577**	**$578–866**	**$867–1,155**	**$1,156–1,439**
4	**$0–347**	**$348–695**	**$696–1,043**	**$1,044–1,391**	**$1,392–1,735**
5	**$0–406**	**$407–813**	**$814–1,220**	**$1,221–1,627**	**$1,628–2,030**
6	**$0–472**	**$473–945**	**$946–1,418**	**$1,419–1,891**	**$1,892–2,359**
7	**$0–524**	**$525–1,049**	**$1,050–1,574**	**$1,575–2,099**	**$2,100–2,620**
8	**$0–583**	**$584–1,167**	**$1,168–1,751**	**$1,752–2,335**	**$2,336–2,915**
9	**$0–642**	**$643–1,285**	**$1,286–1,928**	**$1,929–2,571**	**$2,572–3,210**
10	**$0–701**	**$702–1,403**	**$1,404–2,105**	**$2,106–2,807**	**$2,808–3,506**
11	**$0–760**	**$761–1,521**	**$1,522–2,282**	**$2,283–3,043**	**$3,044–3,801**
12	**$0–819**	**$820–1,639**	**$1,640–2,459**	**$2,460–3,279**	**$3,280–4,096**
13	**$0–878**	**$879–1,757**	**$1,758–2,636**	**$2,637–3,515**	**$3,516–4,391**
14	**$0–937**	**$938–1,875**	**$1,876–2,813**	**$2,814–3,751**	**$3,752–4,686**
15	**$0–996**	**$997–1,993**	**$1,994–2,990**	**$2,991–3,987**	**$3,988–4,981**
16	**$0–1,055**	**$1,056–2,111**	**$2,112–3,167**	**$3,168–4,223**	**$4,224–5,277**
17	**$0–1,114**	**$1,115–2,229**	**$2,230–3,344**	**$3,345–4,459**	**$4,460–5,572**
18	**$0–1,173**	**$1,174–2,347**	**$2,348–3,521**	**$3,522–4,695**	**$4,696–5,867**
19	**$0–1,232**	**$1,233–2,465**	**$2,466–3,698**	**$3,699–4,931**	**$4,932–6,162**
20	**$0–1,291**	**$1,292–2,583**	**$2,584–3,875**	**$3,876–5,167**	**$5,168–6,457**

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Sept. 19, 2002, effective Oct. 3, 2002, expires March 31, 2003. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and *[Personnel Division]* ***Division of Personnel***
Chapter 1—Organization and Operation

PROPOSED AMENDMENT

1 CSR 20-1.040 Merit System Service. The Personnel Advisory Board is amending section (3).

PURPOSE: This amendment changes the party from whom either an appointing authority or an employee may request an opinion regarding a question on conflicting employment.

(3) Conflicting Employment. No employee shall have conflicting employment while in a position subject to the provisions of the law. Each division of service will establish a procedure regarding outside employment and other activities that could potentially be in conflict with the mission and objectives of the division of service or the state service. This procedure will require that employees inform management of outside employment and will include a provision whereby either the employee *[of]* **or** the appointing authority may request *[an opinion]* **a determination** from the *[Ethics Commission]* **director of personnel**.

*AUTHORITY: section 36.070, RSMo [Supp. 1997] **2000**. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 16, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and *[Personnel Division]* ***Division of Personnel***
Chapter 4—Appeals, Investigations, Hearings and Grievances

PROPOSED AMENDMENT

1 CSR 20-4.020 Grievance Procedures. The Personnel Advisory Board is amending subsection (1)(B).

PURPOSE: This amendment allows an agency to include in an agreement with a certified bargaining representative an alternative dispute resolution procedure for personnel transactions or administrative decisions that are currently appealable only to the Personnel Advisory Board.

(1) Grievance Procedure Established. The settlement of differences within the classified service between management and employees shall be provided through the establishment of an orderly grievance procedure in each division of service subject to the State Personnel Law.

(B) **Unless an agency has entered into an agreement with a certified bargaining representative that provides otherwise,** *[T]***t**he grievance procedure shall not apply in instances where the grievance involves personnel transactions or administrative decisions of the appointing authority for which the personnel law or rules provide a specific appeal to the Personnel Advisory Board or review by the personnel director.

*AUTHORITY: section 36.070, RSMo [1986] **2000**. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002.*

PUBLIC COST: This proposed amendment may or may not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	1 CSR 20-4.020 Grievance Procedures
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
The following departments could be affected by this proposed amendment: Agriculture, Corrections, Economic Development, Health and Senior Services, Insurance, Labor & Industrial Relations, Mental Health, Natural Resources, Public Safety, Revenue, Social Services and Office of Administration.	Unknown. Whether any cost is incurred is dependent on a number of contingencies: First, whether a department enters into an agreement with a certified bargaining representative; second, whether the agreement contains a provision for alternative dispute resolution such as arbitration, where the agency would pay for a portion of the service; and third, whether any disputes end up in arbitration and whether the agency would in fact incur any costs associated with the arbitration. According to the American Arbitration Association, the average arbitration fee for labor agreement disputes is $500 per day.

III. WORKSHEET

For arbitration between state agency and certified bargaining representative, assuming the agreement requires the agency to pay half of the costs –

$250 x unknown number of days

IV. ASSUMPTIONS

The total costs may or may not exceed $500, depending on the various circumstances set forth above.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	1 CSR 20-4.020 Grievance Procedures
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Potentially any labor union who is a certified bargaining representative for state employees.	N/A	Unknown. Labor unions could incur the cost of arbitration services based on various contingencies: First, whether any state agency enters into an agreement with a certified bargaining representative; second, whether the agreement contains a provision for alternative dispute resolution, such as arbitration; and third, whether any disputes end up in arbitration and whether the union would in fact incur any costs associated with the arbitration. According to the American Arbitration Association, the average arbitration fee for labor agreement disputes is $500 per day.

III. WORKSHEET

For arbitration between state agency and union, assuming the agreement requires the union to pay half of the costs –

$250 x unknown number of days

IV. ASSUMPTIONS

The total costs may or may not exceed $500, depending on the various circumstances set forth above.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.010 Hours of Work and Holidays. The Personnel Advisory Board is amending subsection (2)(D) by deleting paragraph 1. and renumbering the remaining paragraphs accordingly.

PURPOSE: This amendment removes references to monthly pay periods because all agencies are converted to the SAM II system and to semi-monthly pay periods.

(2) Holidays shall be governed by the following provisions:

(D) All full-time employees, regardless of such schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday.

[1. Part-time employees, paid on a monthly pay period, who are in pay status from eighty to one hundred nineteen (80–119) hours in a month, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours in a month, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status one hundred sixty (160) or more hours in a month, including full credit for those eligible holidays, shall receive full credit. Other part-time employees are not entitled to compensation or credit for holidays not worked.]

[2.] **1.** Part-time employees, paid on a semi-monthly pay period, who are in pay status from forty to fifty-nine (40–59) hours in a semi-monthly pay period, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from sixty to seventy-nine (60–79) hours in a semi-monthly pay period, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status eighty (80) or more hours in a semi-monthly pay period, including full credit for those eligible holidays, shall receive full credit. Other part-time employees who are scheduled to work less than one-half (1/2) time in a semi-monthly pay period or who are paid on a per-diem basis are not entitled to compensation or credit for holidays not worked.

[3.] **2.** Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their holidays and holiday compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

AUTHORITY: section 36.070, RSMo [Supp.] 2000. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 16, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.020 Leaves of Absence. The Personnel Advisory Board is amending subsections (1)(A), (1)(C) and (1)(D). The board is amending subsection (2)(B). The board is amending subsections (4)(A)–(4)(E) and renumbering accordingly. The board is also amending subsection (8)(B) by adding a new paragraph 5. and renumbering accordingly.

PURPOSE: This amendment removes references to monthly pay periods because all agencies are converted to the SAM II system and to semi-monthly pay periods. Additionally, it amends the rules to avoid pro-rating of an employee's annual and sick leave in the event of a furlough. The amendments regarding military leave allow one hundred twenty (120) hours of such leave in a federal fiscal year and provide clarification relating to the advance notice of military orders and the employee's return to work following military duty. The amendment also acknowledges statutory authorization for time off to serve as a bone marrow or organ donor.

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay as follows:

[1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of twelve (12) hours per month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of fourteen (14) hours per month;]

[2.] **1.** If they are paid on a semi-monthly pay period, computed at the rate of five (5) hours for each semi-month of service, in which they are in pay status for eighty (80) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of six (6) hours per semi-month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of seven (7) hours per semi-month;

[3.] **2.** For the purposes of this rule—

[A. For employees paid on a monthly pay period, this shall mean, any month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a month of state service. For employees paid on a monthly pay period, annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which the employee is in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay

status from one hundred twenty to one hundred fifty-nine (120–159) hours;]

[B.] **A.** For employees paid on a semi-monthly pay period, any semi-month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a semi-month of state service. For employees paid on a semi-monthly pay period annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and prorated for all hours in which they are in pay status from forty to eighty (40–80) hours;

[C.] **B.** Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their annual leave compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

[4.] **3.** Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service except that this provision shall not apply to an employee who has submitted a formal notice of retirement;

[5.] **4.** Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority;

[6.] **5.** Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

6. Notwithstanding any other provisions to the contrary, any employee placed on a furlough without pay, pursuant to 1 CSR 20-3.070(8), or who voluntarily requests a leave of absence without pay in lieu of being furloughed, shall continue to earn annual leave as if the employee had actually been working during the time of the furlough. Upon approval of the appointing authority, an employee in a position subject to a furlough may take a voluntary leave of absence without pay in lieu of being furloughed;

(C) Employees who are employed on an intermittent or regularly scheduled part-time basis except those employed in positions of limited duration requiring less than the equivalent of six (6) months of full-time employment in any twelve (12)-month period, shall earn annual leave in accordance with the schedule of leave accruals enumerated in *[paragraph(1)(A)2.]* **subsection (1)(A)**;

(D) The maximum allowable accumulation of annual leave shall not exceed *[twenty-four (24) times an employee's current full-time monthly accrual rate or]* forty-eight (48) times an employee's current full-time semi-monthly accrual rate. This maximum accrual shall apply in the following manner:

1. At the close of business on October 31 of any calendar year, unliquidated accumulation of annual leave which exceeds the maximum allowable accumulation shall lapse and credit for the excess leave shall not be carried forward to the month of November;

2. An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

3. An employee who transfers to another department or who is appointed to a position in another department without break in service shall be entitled to receive reimbursement, under the provisions of subsection (1)(G), for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

4. If, in the initial year of transition to the annual application of the annual leave maximum, an appointing authority finds that there has been a serious reduction in contributions by employees to a ShareLeave program as defined by 1 CSR 20-5.025, the appointing authority may request from the board a temporary authorization to add leave with pay as defined by 1 CSR 20-5.020(8)(B)5. to the ShareLeave balance as a means to maintain the program;

(2) Sick leave shall be governed by the following provisions:

(B) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be allowed sick leave with full pay as follows:

[1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours. Sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which they are in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]

[2.] **1.** If they are paid on a semi-monthly pay period, computed at the rate of five **(5)** hours for each semi-month of service in which they are in pay status for eighty (80) or more hours. For employees paid on a semi-monthly pay period sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and pro-rated for all hours in which they are in pay status from forty to eighty (40–80) hours. Sick leave will be credited for semi-months in which they are in pay status;

[3.] **2.** Sick leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service except that this provision shall not apply to an employee who has submitted a formal notice of retirement;

[4.] **3.** In all cases where an employee has been absent on sick leave, the employee immediately upon return to work shall submit a statement in a form the appointing authority may require indicating that the absence was due to illness, disease, disability or other causes for which sick leave is allowed under these rules. The appointing authority shall establish and advise employees of required procedures for initial and continuing notification by the employee to the appointing authority regarding absence due to illness and for submission of a written request for allowance of sick leave together with proof of illness as the appointing authority deems necessary;

[5.] **4.** Sick leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

5. Notwithstanding any other provisions to the contrary, any employee placed on a furlough without pay, pursuant to 1 CSR 20-3.070(8), or who voluntarily requests a leave of absence without pay in lieu of being furloughed, shall continue to earn sick leave as if the employee had actually been working during the time of the furlough. Upon approval of the appointing authority, an employee in a position subject to a furlough may take a voluntary leave of absence without pay in lieu of being furloughed;

(4) Military leave shall be governed by the following provisions:

(A) Employees who are members of the national guard or any of the reserve components of the armed forces of the United States shall be entitled to leaves of absence from their respective duties, without loss of pay or leave, impairment of performance appraisal, or loss of any rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty under competent orders for a period not to exceed a total of *[fifteen (15) calendar days]* **one hundred twenty (120) work hours** in any federal fiscal year *[These limitations]* **(October 1 through September 30)**. **Any employee entitled to military leave shall only be charged military leave for any hours which that employee would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one (1) hour and additional charges for military leave shall be in multiples of the minimum charge. The one hundred twenty (120) work hour limitation** shall not apply to periods of military service during which *[they]* **employees** are engaged in the service of this state at the call of the governor and as ordered by the adjutant general. *[The employee shall file with the appointing authority an*

official order from the appropriate military authority as evidence of this duty for which military leave with pay is granted.] Other absences required by military duty, not elsewhere provided for in these rules, may be charged to accrued annual leave, compensatory time or leave of absence without pay;

(B) As evidence of military duty for which leave with pay is granted, the employee shall provide to the appointing authority an advance notice, either orally or in writing, of an official order from competent military authorities. When either military necessity prevents the employee from giving advance notice or circumstances make it impossible or unreasonable for the employee to provide advance notice, the notice requirement can be delayed or excused;

[(B)] **(C)** Employees who are employed in positions of a continuing or permanent nature and who enter the armed forces of the United States for any of the following reasons shall be granted a leave of absence without pay for the period of military training and service required of the employee:

1. Because of an order issued under the Military Selective Service Act (or under any prior or subsequent corresponding law) requiring the employee's induction into the armed forces;

2. Because of an order issued by a military authority calling an employee to active duty from organized units of the national guard, any component of the armed forces of the United States or the public health service reserve, for a period of time in excess of *[that]* **the one hundred twenty (120) work hours of federal military leave** covered by subsection (4)(A);

3. Because an employee enlists in any component of the armed forces of the United States for a period of not more than five (5) years;

4. Because an employee who is a member of a component of the armed forces of the United States voluntarily or involuntarily enters *[upon]* active duty, or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the armed forces of the United States to active duty;

5. Because an employee not covered by other provisions of these rules is required to report for active duty for training or inactive duty training in the armed forces of the United States or an organized unit of the national guard; and

6. Because an employee who is a member of a component of the armed forces of the United States or an organized unit of the national guard is ordered to an initial period of active duty for training of not less than twelve (12) consecutive weeks;

[(C)] **(D)** An employee's return to active status following **military** leave granted under any of the provisions of subsection *[(4)(B)]* **(4)(C)** shall be subject to the following rules:

1. *[The employee shall make application for return to active status within ninety (90) days after being relieved from training or service or from hospitalization continuing after discharge for a period of not more than one (1) year, except that employees entering the service under paragraph (4)(B)6. of this rule must make application for reemployment within thirty-one (31) days;]* **The time frame for an employee's return to employment depends on the length of military service performed by the employee. If military service was from one to thirty (1–30) days, the employee shall report at the beginning of the first regularly scheduled workday or eight (8) hours after the end of the military duty; if military service was between thirty-one (31) and one hundred eighty (180) days, application for return to employment must be submitted not later than fourteen (14) days after completion of military duty; if military service was more than one hundred eighty-one (181) days, application for return to employment must be submitted not later than ninety (90) days after completion of military duty. The application for return to employment may be extended to a period of not more than two (2) years when an employee suffers service-related injuries and continues to be hospitalized after discharge. An appointing authority may require the returning employee to provide documentation of the length and character of his/her military service to assist in determining eligibility for and timeliness of return to employment; however, when such documentation is unavailable to the returning employee, he/she must be returned to employment until the documentation is available;**

2. Employees granted leave under paragraph *[(4)(B)5.]* **(4)(C)5.** and subsection *[(4)(E)]* **(4)(F)** must report for work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of military training, preinduction processing or hospitalization incident to either of these to the place of employment following release, or within a reasonable time after that if delayed return is due to factors beyond an employee's control. Failure to report for work at the regularly scheduled working period shall make the employee subject to the procedures of the appointing authority with respect to absence from scheduled work;

3. Any person receiving a dishonorable discharge from the armed forces resulting from a general court martial may be reinstated to a position subject to the law or these rules only with the approval of the appointing authority; and

4. Return from a leave of absence is authorized providing that the employee is relieved from active duty not later than five (5) years after the date of entering upon active duty or as soon after the expiration of that five (5)-year period as the employee is able to obtain orders relieving him/her from active duty;

[(D)] **(E)** If an employee is granted leave under the provisions of subsection *[(4)(B)]* **(4)(C)** and meets the restoration requirements of subsection *[(4)(C)]* **(4)(D),** the employee is entitled to exercise restoration rights as follows:

1. If the employee is still qualified to perform the duties of the position involved, the employee has the right to be restored by that appointing authority or his/her successor in interest to the former position held or to a position of like seniority, status and pay, without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned to the employee at the time that the leave commenced; *[without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work scheduled including shift, working days and days off assigned to the employee at the time that the leave commenced;]* or, if not qualified to perform the duties of the former position, by reason of disabilities sustained during military service, but qualified to perform the duties of any other position in the employ of the appointing authority or his/her successor in interest, the employee has the right upon request to be restored to the other position the duties of which the employee is qualified to perform and which will provide that person like seniority, status and pay, or the nearest approximation of them consistent with the circumstances in the individual case, unless the appointing authority's circumstances have so changed as to make it impossible or unreasonable to do so;

2. *[Any person]* **An employee** who is restored to or employed in a position in accordance with the provisions of subsection *[(4)(C)]* **(4)(D)** shall not be discharged from that position without cause within one (1) year after that restoration *[with the exception that those who enter the service under paragraph (4)(B)6. shall not be discharged from that position without cause within six (6) months after that restoration;]* **if such employee served in the military for a period of more than six (6) months; if the employee served in the military between one (1) and six (6) months, they shall not be discharged without cause within six (6) months after restoration; employees who serve for thirty (30) days or less are given no protection from discharge without cause;**

3. Any person who is restored to or employed in a position in accordance with the provisions of subsection *[(4)(C)]***(4)(D)** shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a component of the armed forces of the United States; and

4. An employee who obtains leave to enter the service under paragraph *[(4)(B)6.]* **(4)(C)6.** is not entitled to retention, preference or displacement right over any veteran with a superior claim under these rules or federal law applicable to reemployment of veterans; and

[(E)] **(F)** Any employee eligible for leave under subsection *[(4)(B)]* **(4)(C)** shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination, physical fitness to enter the armed forces of the United States. Upon rejection following preinduction or other examination, or upon discharge from hospitalization incident to that rejection or examination, the employee shall be permitted to return to employment in accordance with the provisions of subsections *[(4)(C) and (D)]* **(4)(D) and (E)**. An employee's rights to sick leave under section (2) shall not be diminished by subsection *[(4)(E)]* **(4)(F)**.

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, parent, step-parent, grandparent or grandchild, and spouse's child, parent, step-parent, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave;

4. Leaves of absence for volunteers tutoring in a formal tutoring or mentoring program as defined in section 105.268, RSMo; *[and]*

5. Leaves of absence for five (5) workdays to serve as a bone marrow donor and leaves of absence for thirty (30) workdays to serve as a human organ donor as defined in section 105.266, RSMo. Leave is authorized under these circumstances only when the employee is serving as the donor and written verification is provided to the appointing authority; and

[5.] **6.** Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

AUTHORITY: section 36.070, RSMo 2000. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed May 22, 2002, effective June 1, 2002, expired Nov. 27, 2002. Amended: Filed Sept. 16, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 22—Packaging and Labeling

PROPOSED AMENDMENT

2 CSR 90-22.140 ***NIST Handbook 130*****, "Uniform Packaging and Labeling Regulation."** The director is amending section (1).

PURPOSE: This proposed amendment incorporates by reference the provisions of the 2002 edition of ***NIST Handbook 130*** *relating to packaging and labeling.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. ***This publication may be accessed at the NIST website at www.nist.gov/owm.***

(1) The rule for the Division of Weights and Measures for packaging and labeling shall incorporate by reference the section of the *[2000]* **2002** edition of *NIST Handbook 130*, entitled "Uniform Packaging and Labeling Regulation."

AUTHORITY: section 413.065, RSMo [Supp. 1999] ***Supp. 2002****. Original rule filed May 9, 1984, effective Sept. 14, 1984. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Sept. 12, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 23—Inspection of Packaged Commodities

PROPOSED AMENDMENT

2 CSR 90-23.010 ***[NBS] NIST Handbook 133, Technical Procedures and Methods for Measuring and Inspecting Packages***

or Amounts of Commodities. The director is amending the title of the rule, the summary and section (1).

*PURPOSE: This amendment adopts the most recent edition of **NIST Handbook 133** and updates references from National Bureau of Standards (NBS) to National Institute of Standards and Technology (NIST).*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. **NIST Handbook 133 may be accessed through the NIST website at www.nist.gov/owm.***

SUMMARY: *[NBS] **NIST** Handbook 133* provides procedures to test (by using statistical sampling techniques) individual lots of packages for conformance with legal requirements. Anything that is put into a container, wrapped, or banded and labeled as to quantity may be inspected. The labeled quantity may be of weight, volume, linear, square or cubic measure, count or combination. The examination of packaged commodities may be to determine conformance with federal, state or local net contents labeling regulations. Most often, compliance testing of packaged goods is carried out to protect the consumer/purchaser against buying packages with less in them than the labeled quantity and to advise the manufacturer to improve delivered product quantities when necessary. Inspection for compliance with other labeling requirements (such as size of lettering or units of measurement) also may accompany package quantity compliance testing, but is not covered in this document.

(1) The technical procedures and methods used by the Division of Weights and Measures for measuring and inspecting packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery, shall be those procedures and methods described and specified in the *[National Bureau of Standards] **National Institute of Standards and Technology (NIST)** Handbook 133, Checking the Net Contents of Packaged Goods*, **Fourth Edition (January 2002) as incorporated by reference in this rule**.

*AUTHORITY: section 413.065, RSMo [1986] **Supp. 2002**. Original rule filed Sept. 14, 1981, effective Dec. 15, 1981. Amended: Filed Sept. 12, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 25—Price Verification

PROPOSED AMENDMENT

2 CSR 90-25.010 Price Verification Procedures. The director proposes to amend section (1).

*PURPOSE: This proposed amendment incorporates by reference the 2002 edition of **NIST Handbook 130** relating to price verification procedures.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. **NIST Handbook 130 may be accessed at the NIST website at www.nist.gov/owm**.*

(1) The Division of Weights and Measures shall follow the examination procedure for price verification incorporated by reference in the section of *NIST Handbook 130*, *[2000]* **2002** edition, entitled "Examination Procedure for Price Verification."

*AUTHORITY: section 413.065, RSMo [Supp. 1999] **Supp. 2002**. Original rule filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed April 9, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Sept. 12, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators

PROPOSED AMENDMENT

11 CSR 40-5.110 Fees and Penalties. The Division of Fire Safety is amending subsection (1)(B) and section (4) to clarify the installation/alteration fee and increase the annual inspector license fee.

PURPOSE: This amendment changes the annual fee of a state licensed elevator inspector from twenty-five dollars ($25) to one hundred twenty-five dollars ($125) and clarifies the permit fee for an installation/alteration permit.

(1) New Construction.

(B) **Installation/Alteration** Permit Fee. *[Permit fees are included in the plan review fees.]* **The installation/alteration permit fee shall be twenty dollars ($20).**

(4) Inspector License Fee. The annual license fee shall be *[twenty-five dollars ($25).]* **one hundred twenty-five dollars ($125).**

*AUTHORITY: section 701.355, RSMo [1994] **2000**. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Sept. 13, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities eight thousand dollars ($8,000) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-5.110
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
64	Independent elevator inspectors	$8,000

II. WORKSHEET

Currently there are sixty-four (64) state licensed independent elevator inspectors.

64 x $125.00 = $8,000

IV. ASSUMPTIONS

The Division of Fire Safety issues a state license to qualified independent elevator inspectors to conduct annual safety inspections on elevators and related equipment per state law. There are currently sixty-four (64) individuals that have obtained such a license. These individuals are hired by owners of elevators and related equipment to perform annual safety inspections per compliance with state law.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

PROPOSED AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The division is amending the monthly income ranges contained in the LIHEAP Income Ranges Chart immediately following subsection (3)(D) of this rule.

PURPOSE: This amendment adjusts the monthly income amounts on the LIHEAP Income Ranges Chart to reflect changes made in the federal poverty guidelines.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

[LIHEAP INCOME RANGES CHART
Monthly Income Amounts

Household Size	*Income Range*	*Income Range*	*Income Range*	*Income Range*	*Income Range*
1	*$0–179*	*$180–359*	*$360–539*	*$540–719*	*$720–895*
2	*$0–242*	*$243–485*	*$486–728*	*$729–971*	*$972–1,209*
3	*$0–280*	*$281–561*	*$562–842*	*$843–1,123*	*$1,124–1,402*
4	*$0–338*	*$339–677*	*$678–1,016*	*$1,017–1,355*	*$1,356–1,692*
5	*$0–396*	*$397–793*	*$794–1,190*	*$1,191–1,587*	*$1,588–1,981*
6	*$0–454*	*$455–909*	*$910–1,364*	*$1,365–1,819*	*$1,820–2,270*
7	*$0–512*	*$513–1,025*	*$1,026–1,538*	*$1,539–2,051*	*$2,052–2,560*
8	*$0–570*	*$571–1,141*	*$1,142–1,713*	*$1,714–2,284*	*$2,285–2,849*
9	*$0–628*	*$629–1,257*	*$1,258–1,886*	*$1,887–2,515*	*$2,516–3,139*
10	*$0–686*	*$687–1,373*	*$1,374–2,060*	*$2,061–2,747*	*$2,748–3,428*
11	*$0–743*	*$744–1,487*	*$1,488–2,231*	*$2,232–2,975*	*$2,976–3,717*
12	*$0–801*	*$802–1,603*	*$1,604–2,405*	*$2,406–3,207*	*$3,208–4,007*
13	*$0–859*	*$860–1,718*	*$1,719–2,578*	*$2,579–3,438*	*$3,439–4,296*
14	*$0–917*	*$918–1,834*	*$1,835–2,752*	*$2,753–3,670*	*$3,671–4,586*
15	*$0–975*	*$976–1,950*	*$1,951–2,926*	*$2,927–3,902*	*$3,903–4,875*
16	*$0–1,033*	*$1,034–2,066*	*$2,067–3,100*	*$3,101–4,134*	*$4,135–5,165*
17	*$0–1,091*	*$1,092–2,182*	*$2,183–3,274*	*$3,275–4,366*	*$4,367–5,454*
18	*$0–1,149*	*$1,150–2,298*	*$2,299–3,448*	*$3,449–4,598*	*$4,599–5,743*
19	*$0–1,207*	*$1,208–2,414*	*$2,415–3,622*	*$3,623–4,830*	*$4,831–6,033*
20	*$0–1,264*	*$1,265–2,528*	*$2,529–3,793*	*$3,794–5,058*	*$5,059–6,322]*

LIHEAP INCOME RANGES CHART
Monthly Income Amounts

Household Size	**Income Range**	**Income Range**	**Income Range**	**Income Range**	**Income Range**
1	**$0–185**	**$186–371**	**$372–557**	**$558–743**	**$744–923**
2	**$0–249**	**$250–499**	**$500–749**	**$750–999**	**$1,000–1,244**
3	**$0–288**	**$289–577**	**$578–866**	**$867–1,155**	**$1,156–1,439**
4	**$0–347**	**$348–695**	**$696–1,043**	**$1,044–1,391**	**$1,392–1,735**
5	**$0–406**	**$407–813**	**$814–1,220**	**$1,221–1,627**	**$1,628–2,030**
6	**$0–472**	**$473–945**	**$946–1,418**	**$1,419–1,891**	**$1,892–2,359**
7	**$0–524**	**$525–1,049**	**$1,050–1,574**	**$1,575–2,099**	**$2,100–2,620**
8	**$0–583**	**$584–1,167**	**$1,168–1,751**	**$1,752–2,335**	**$2,336–2,915**
9	**$0–642**	**$643–1,285**	**$1,286–1,928**	**$1,929–2,571**	**$2,572–3,210**
10	**$0–701**	**$702–1,403**	**$1,404–2,105**	**$2,106–2,807**	**$2,808–3,506**
11	**$0–760**	**$761–1,521**	**$1,522–2,282**	**$2,283–3,043**	**$3,044–3,801**
12	**$0–819**	**$820–1,639**	**$1,640–2,459**	**$2,460–3,279**	**$3,280–4,096**
13	**$0–878**	**$879–1,757**	**$1,758–2,636**	**$2,637–3,515**	**$3,516–4,391**
14	**$0–937**	**$938–1,875**	**$1,876–2,813**	**$2,814–3,751**	**$3,752–4,686**
15	**$0–996**	**$997–1,993**	**$1,994–2,990**	**$2,991–3,987**	**$3,988–4,981**
16	**$0–1,055**	**$1,056–2,111**	**$2,112–3,167**	**$3,168–4,223**	**$4,224–5,277**
17	**$0–1,114**	**$1,115–2,229**	**$2,230–3,344**	**$3,345–4,459**	**$4,460–5,572**
18	**$0–1,173**	**$1,174–2,347**	**$2,348–3,521**	**$3,522–4,695**	**$4,696–5,867**
19	**$0–1,232**	**$1,233–2,465**	**$2,466–3,698**	**$3,699–4,931**	**$4,932–6,162**
20	**$0–1,291**	**$1,292–2,583**	**$2,584–3,875**	**$3,876–5,167**	**$5,168–6,457**

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Sept. 19, 2002, effective Oct. 3, 2002, expires March 31, 2003. Amended: Filed Sept. 19, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Family Services, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH *AND SENIOR SERVICES*
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 28—Immunization

PROPOSED AMENDMENT

19 CSR 20-28.010 Immunization Requirements for School Children. The department amends the Purpose and sections (1), (2), and (3), is removing the forms CD 31, Imm.P.19 and Imm.P.10 and replacing forms Imm.P.11A, Imm.P.12, and Imm.P.14 in the ***Code of State Regulations***.

PURPOSE: This amendment deletes language that is repetitive and dictates medical practice, and adds references to the recommendations of the Advisory Committee on Immunization Practices (ACIP). This amendment also updates the department name.

PURPOSE: This rule establishes minimum immunization requirements [required of] ***for*** *all school children [according to current recommendations]* ***in accordance with recommendations of the Advisory Committee on Immunization Practices (ACIP)*** *and helps assure that appropriate actions are taken by schools to enforce section 167.181, RSMo.*

(1) As mandated by section 167.181, RSMo, each superintendent of a public, private, parochial or parish school shall have a record prepared showing the immunization status of every child enrolled in or attending a school under the superintendent's jurisdiction. The school superintendent shall make *[this]* **a summary** report *[annually]* to the Department of Health **and Senior Services** *[on Form CD 31]* no later than October 15 of each school year. This date is necessitated by the law which prohibits the enrollment and attendance of children who are in noncompliance. *[Immunization information is required in eight (8) categories:]* **This report shall include immunization information by grade or age by vaccine antigen (**diphtheria, tetanus, pertussis, polio, measles, rubella**,** mumps and hepatitis B**), number of children enrolled, number of children adequately immunized, number of children in progress, and number of children exempt**. Each school superintendent or chief administrator shall submit *[to the Department of Health]* a summary report *[on Form CD 31]* for all schools under the administrator's jurisdiction. Separate reports for each school should not be submitted, although separate lists shall be maintained in each school for auditing purposes.

(B) This rule is designed to govern any child—regardless of age—who is attending a public, private, parochial or parish school. If the specific age recommendations are not mentioned within this rule, the Missouri Department of Health **and Senior Services** should be consulted.

(C) It is unlawful for any child to attend school unless the child has been immunized according to this rule or unless the parent or guardian has signed and placed on file a statement of medical or religious exemption with the school administrator.

1. Medical exemption*[s]*. A child shall be exempted from the immunization requirements of this rule upon certification by a licensed doctor of medicine or doctor of osteopathy that either the immunization would seriously endanger the child's health or life or the child has documentation of laboratory evidence of immunity to the disease. The Department of Health **and Senior Services** Form Imm.P.12**, included herein,** shall be on file with the school immunization health record for each child with a medical exemption. This need not be renewed annually.

2. Religious exemption. A child shall be exempted from the immunization requirements of this rule as provided in section 167.181, RSMo if one (1) parent or guardian objects in writing to the school administrator that immunization of that child violates his/her religious beliefs. This exemption on Department of Health **and Senior Services** Form Imm.P.11A**, included herein,** shall be placed on file with the school immunization health record.

3. Immunization in progress. Section 167.181, RSMo provides that students may continue to attend school as long as they have started an immunization series and satisfactory progress is being accomplished *[in the prescribed manner as outlined in the Missouri Immunization Schedules in subsection (3)(B) of this rule]*. A Department of Health **and Senior Services** Form Imm.P.14**, included herein,** shall be on file with the school immunization health record of each student with immunization in progress. Failure to meet the next scheduled appointment constitutes noncompliance with the school immunization law and *[legal action]* **exclusion** should be initiated immediately. Refer to subsection (1)(A) of this rule regarding exclusion of students in noncompliance.

(2) *[The schedules in subsection (3)(B) of this rule contain the immunization schedule recommended by the Missouri Department of Health. The Missouri Department of Health recommends that all children be immunized by health care practitioners in accordance with these recommendations.]* For school attendance, children shall *[meet the minimum requirements specified in subsections (2)(A)–(H) of this rule or have proper exemption statements on file at school]* **be immunized against diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, and hepatitis B, according to the latest Advisory Committee on Immunization Practices (ACIP) Recommended Childhood Immunization Schedule—United States and the latest ACIP General Recommendations on Immunization. As the immunization schedule and recommendations are updated, they will be available from and distributed by the Department of Health and Senior Services**.

[(A) Measles. One (1) dose of live measles vaccine received by injection on or after the first birthday shall be required for school attendance for all children who started kindergarten prior to the 1990–91 school year. All children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990–91 school year shall be required to have two (2) doses of live measles vaccine received by injection and separated by at least twenty-eight (28) days on or after the first birthday. Measles vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of notification of exemption on Form Imm.P.11A or Imm.P.12.

(B) Mumps. One (1) dose of live mumps vaccine received by injection on or after the first birthday shall be required for

school attendance for all children. Mumps vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of written notification on Form Imm.P.11A or Imm.P.12.

(C) Rubella. One (1) dose of live rubella vaccine received by injection on or after the first birthday shall be required for school attendance for all children. Rubella vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

(D) Polio. Oral Polio Vaccine (OPV) and/or Inactivated Polio Vaccine (IPV) shall be used.

1. Polio Vaccine. Three (3) doses of polio vaccine shall be required for all students. Children who started kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990–91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the student has already received four (4) or more doses of polio vaccine. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

2. Combination of IPV and OPV. If a combination of IPV and OPV are used, four (4) doses are required. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

(E) Diphtheria. Four (4) doses of diphtheria toxoid shall be required for students starting kindergarten as of and after the beginning of the 1999–2000 school year. Three (3) doses of diphtheria toxoid shall be required for all other students. Children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990–91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the student has already received six (6) or more doses of diphtheria toxoid. A booster dose of diphtheria toxoid is required ten (10) years from the last diphtheria immunization. The diphtheria toxoid may be given alone or in combination with tetanus toxoid and pertussis vaccine. Exemptions shall be permitted upon receipt of a written notification of exemption on Form Imm.P.11A or Imm.P.12.

(F) Tetanus. Four (4) doses of tetanus toxoid shall be required for students starting kindergarten as of and after the beginning of the 1999–2000 school year. Three (3) doses of tetanus toxoid shall be required for all other students. Children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990–91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the child has already received six (6) or more doses of tetanus toxoid. The tetanus toxoid may be given alone or in combination with diphtheria toxoid and pertussis vaccine. A booster dose of tetanus toxoid is required ten (10) years from the last tetanus immunization. Exemptions shall be permitted upon receipt of a written notification of exemption on Form Imm.P.11A or Imm.P.12.]

(G) Pertussis (acellular or whole cell). Four (4) doses of pertussis vaccine shall be required for students starting kindergarten as of and after the beginning of the 1999–2000 school year. Three (3) doses of pertussis vaccine shall be required for all other students six (6) years of age and younger. The last dose must have been received at age four (4) years or greater; if not, an additional dose is required unless the child has already received six (6) or more doses of pertussis vaccine.]

(A) Pertussis vaccine is not required for children seven (7) years of age and older. *[Pertussis vaccine may be given alone or in combination with diphtheria toxoid and tetanus toxoid. Exemptions shall be permitted upon written notification of exemption on Form Imm.P.11A or Imm.P.12.*

[(H) Hepatitis B. Three (3) doses of] **(B)** *[h]* **H**epatitis B vaccine shall be required for all *[students entering]* **children starting** kindergarten **or who were five (5) or six (6) years of age** as of and after the beginning of the *[1997–98]* **1992–93** school year**.** *[and for all students entering grade seven (7) as of and after the beginning of the 1999–2000 school year. Exemptions shall be permitted upon written notification of exemption on Form Imm.P.11A or Imm.P.12.]*

(3) The parent or guardian shall furnish the superintendent or school administrator satisfactory evidence of immunization or exemption from immunization against diphtheria, tetanus, pertussis, polio, measles, mumps, rubella and hepatitis B.

(A) Satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility or personnel stating that the required immunizations have been given to the person and verifying the type of vaccine *[and month and year of administration]*. All children *[starting kindergarten as of and after the beginning of the 1990–91 school year]* shall be required to provide documentation of the month, day and year of vaccine administration.

[(B) The following schedule shall determine when the next dose of vaccine is due for a child found to be in noncompliance with the immunization requirements:]

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION OF VACCINE-PREVENTABLE AND
TUBERCULOSIS DISEASE ELIMINATION

MEDICAL IMMUNIZATION EXEMPTION

FOR DOCTORS OF MEDICINE OR DOCTORS OF OSTEOPATHY ONLY

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

THIS IS TO CERTIFY THAT | NAME OF PATIENT (PRINT OR TYPE)

SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE:

☐ The child has documented laboratory evidence of immunity to the disease. (Attach the lab slip to this form.)
☐ In my medical judgment, the immunization(s) checked would endanger the child's health or life.

☐ Diphtheria ☐ Tetanus ☐ Pertussis ☐ Td ☐ Polio ☐ Hib
☐ MMR ☐ Measles ☐ Mumps ☐ Rubella ☐ Hepatitis B ☐ Other
☐ Varicella

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from child care facilities and school when outbreaks of vaccine-preventable diseases occur.

PHYSICIAN NAME (PRINT OR TYPE) | PHYSICIAN REGISTRATION NO.

SIGNATURE OF PHYSICIAN | DATE

MO 580-0807 (1-02) Imm.P.12

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION OF VACCINE-PREVENTABLE AND
TUBERCULOSIS DISEASE ELIMINATION

IMMUNIZATIONS IN PROGRESS

FOR PHYSICIANS AND PUBLIC HEALTH NURSES ONLY

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo Cum. Supp. 1990) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

THIS IS TO CERTIFY THAT | NAME OF CHILD (PRINT OR TYPE)

received the following immunization(s) on _____ (MONTH/DAY/YEAR) as required by State Immunization Laws.

☐ DIPHTHERIA ☐ TETANUS ☐ PERTUSSIS ☐ Td ☐ POLIO ☐ Hib
☐ MMR ☐ MR ☐ MEASLES ☐ MUMPS ☐ RUBELLA ☐ Hepatitis B
☐ VARICELLA

and is scheduled to return on _____ (MONTH/DAY/YEAR) for the following immunization(s) _____

NOTE: This child is in compliance with Missouri Immunization Laws as long as he/she continues to receive the appropriate immunization(s) at the correct intervals according to the Missouri Department of Health Immunization Schedule.

PHYSICIAN NAME (PRINT OR TYPE) | PHYSICIAN SIGNATURE

PUBLIC HEALTH NURSE NAME | DATE | CITY OR COUNTY OF ASSIGNMENT

MO 580-0828 (10-01) Imm.P.14

MISSOURI DEPARTMENT OF HEALTH
SECTION OF VACCINE-PREVENTABLE AND
TUBERCULOSIS DISEASE ELIMINATION

RELIGIOUS IMMUNIZATION EXEMPTION

REQUIRED UNDER THE STATE IMMUNIZATION LAW (Section 167.181, RSMo) FOR SCHOOL ATTENDANCE

THIS IS TO CERTIFY THAT | NAME OF CHILD (PRINT OR TYPE)

SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE IMMUNIZATION VIOLATES MY RELIGIOUS BELIEFS:

☐ Diphtheria ☐ Tetanus ☐ Pertussis ☐ Td ☐ Polio ☐ Other
☐ MMR ☐ Measles ☐ Mumps ☐ Rubella ☐ Hepatitis B

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from school when outbreaks of vaccine-preventable diseases occur.

PARENT/GUARDIAN NAME (PRINT OR TYPE) | PARENT/GUARDIAN SIGNATURE | DATE

MO 580-1723 (4-00) mm.P.11A

*AUTHORITY: sections 167.181, **RSMo Supp. 2001,** 192.006[, RSMo Supp. 1998] and 192.020, RSMo [1994] **2000**. This rule was previously filed as 13 CSR 50-110.010. Original rule filed April 24, 1974, effective May 4, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 16, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, JD, MPH, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102, (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.200 Subject Matter **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1093). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.210 Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1093). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.230 Computation of Time; Extensions of Time **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1093–1094). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.250 Practice by a Licensed Attorney; When Required **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1094). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.270 Service of Filings Other Than the Original Complaint **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1094). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.290 Filing of Documents; Fax Filing: Posting Bond **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1094–1095). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.320 Stays or Suspensions of Agency Action **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1095). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.350 Complaints **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1095). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.380 Answers and Other Responsive Pleadings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1095). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.390 Intervention **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1095–1096). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.410 Closing of Case Records and Hearings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1096). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.420 Discovery **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1096). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.430 Dismissal **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1096). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.450 Determination of Cases Without Hearing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1097). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.470 Prehearing Conferences **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1097). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.480 Hearings on Motions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1097). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.490 Hearings on Complaints **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1097–1098). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.510 Transcripts **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1098). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.530 Bench Rulings and Memorandum Decisions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1098). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.560 Fees and Expenses **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1098). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 2—Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-2.580 Certifications of Records **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1099). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1099). A change has been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter, and the language of the rule, to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to the title of the chapter to clarify that this chapter applies only to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

1 CSR 15-3.200 Subject Matter

This chapter 1 CSR 15-3 contains all procedural regulations for all contested cases assigned to the Administrative Hearing Commission by statute, except for cases under section 621.040, RSMo. For cases

under section 621.040, RSMo regulations are located at 4 CSR 265-2.010, 4 CSR 265-2.020, 4 CSR 265-2.030, 4 CSR 265-2.040, and 4 CSR 265-2.050. This chapter does not apply to cases not assigned to the Administrative Hearing Commission by statute, including cases in which the Administrative Hearing Commission acts as a hearing officer for another agency by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.210 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1099–1100). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.250 Practice by a Licensed Attorney; When Required **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1100). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.320 Stays or Suspensions of any Action From Which Petitioner is Appealing **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1100–1101). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.350 Complaints **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1101). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.380 Answers and Other Responsive Pleadings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1101–1102). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.390 Intervention **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1102). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.410 Closing of Case Records and Hearings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1102–1103). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection

transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR-3.420 Discovery **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1103). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission adopts a rule as follows:

1 CSR 15-3.425 Sanctions **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1103–1104). No changes have been made in the text of the proposed rule, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Sales and Use and Income Tax Cases Under Section 621.050, RSMo, and All Other Contested Cases, Except Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-3.430 Dismissal **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1104). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3, RSMo 2000, and 621.198, RSMo Supp. 2001, the commission adopts a rule as follows:

1 CSR 15-3.440 Disposing of a Case Without a Hearing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1104–1105). No changes have been made in the text of the proposed rule, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Sales and Use and Income Tax Cases Under Section 621.050, RSMo, and All Other Contested Cases, Except Licensing Cases Under Section 621.045, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission rescinds a rule as follows:

1 CSR 15-3.450 Determination of Cases Without Hearing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1105). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.470 Prehearing Conferences and Mediation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1105). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under sections 536.073.3, RSMo 2000, and 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.490 Hearings on Complaints; Default **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1106). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and

orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction, Except Cases Under Section 621.040, RSMo

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2001, the commission amends a rule as follows:

1 CSR 15-3.580 Certifications of Records **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1106). No changes have been made in the text of the proposed amendment, so it is not reprinted here; however, the Chapter 3 title was changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments. At the public hearing, Commissioner Winn made one (1) comment.

COMMENT: The title of this chapter as proposed was rendered inaccurate by subsection 4 of section 308.010 of S.B. 1202, Ninety-First General Assembly, Second Regular Session. That subsection transferred "[a]ll the powers, duties and functions, including all rules and orders, of the administrative law judges of the division of motor carrier and railroad safety" to the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission has changed the title of the chapter to reflect the commission's jurisdiction under S.B. 1202. The commission has also added language to clarify that this chapter only applies to cases assigned to the commission by statute, and not to cases in which the commission acts as a hearing officer by interagency agreement.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 263.505, RSMo 2000, the director adopts a rule as follows:

2 CSR 70-13.045 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2002 (27 MoReg 774–775). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: Even though no public comments were received, the department has added two subsections to section (2) in order to prevent registration of locations without apiaries and to limit the number of apiary locations within specific field units.

2 CSR 70-13.045 Registration of Apiaries

(2) Every person who moves an apiary into the eradication zone or within one (1) mile of that zone or otherwise comes into possession of an apiary or hive that is located within the eradication zone after the first day of May, shall register with the Missouri Department of Agriculture, the number of and location of apiaries prior to movement into, or upon possession within the eradication zone counties.

(A) Registration of an apiary, which does not contain active hives with supers, and/or failure to notify the Missouri Department of Agriculture within twenty-four (24) hours that a registered apiary is no longer in use, shall be subject to a penalty of up to five hundred dollars ($500) per apiary location.

(B) The Missouri Department of Agriculture may limit registration of apiaries based upon number of registered apiaries within a field unit as described within the eradication zone. At such time registration of specific apiary locations may be denied.

REVISED PRIVATE COST: The additional cost to private entities may range from zero to one thousand dollars ($0–$1000) along with an estimated nine hundred forty-eight dollars ($948), which was submitted with the original estimate.

REVISED FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	2CSR 70-13.045 Registration of Apiaries
Type of Rulemaking:	Order of Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated in the aggregate as to the cost of compliance with the rule by the affected entities:
12	Businesses and individuals	$948.00
12	Businesses and individuals	$0 - $1000.00

III. WORKSHEET

# Locations	Registration fees	Signage Cost	
170	$300.00	$340.00	
1	$5.00	$2.00	
5	$25.00	$10.00	
26	$130.00	$52.00	
1	$5.00	$2.00	
1	$5.00	$2.00	
4	$20.00	$8.00	
4	$20.00	$8.00	
2	$10.00	$4.00	
214	$520.00	$428.00	**$948.00**

An additional amount of $0 to $1000.00 could be incurred by penalty.

IV. ASSUMPTIONS

Figures on apiary location were obtained from 2001 data. Nine businesses and individuals were identified by the program in 2001. It is estimated that as many as 12 businesses and individuals could be affected by the rule in 2002. Apiary locations are not anticipated to increase in 2002.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 263.505, RSMo 2000, the director adopts a rule as follows:

2 CSR 70-13.050 Cotton/Bee Protection Area **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2002 (27 MoReg 776). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.055, RSMo 2000, the director amends a rule as follows:

9 CSR 10-7.060 Behavior Management **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 787–788). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health received two (2) comments on the proposed amendment.

COMMENT: Rita Tadych with the State Board of Nursing requested clarification/definition of "licensed practitioner" and was interested in whether "licensed practitioner" included registered professional nurses licensed in Missouri.
RESPONSE: Registered professional nurses licensed in Missouri are included. No definition of "licensed practitioner" will be placed within the amendment. The term is adequately defined as written. No changes have been made to the rule as a result of this comment.

COMMENT: Jorgen Schlemeier with the Governmental Affairs section of the Missouri Psychological Association expressed opposition on behalf of the Association to the inclusion of Certified Substance Abuse Counselors as individuals qualified to order seclusion or restraint. Their concern stated that this practice by an unlicensed practitioner without also requiring additional education requirements could pose a risk to the public health and welfare. They also indicated that this practice would cause a healthcare organization to be unaccredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
RESPONSE: Additional training is required and the rule specifically states, "Seclusion and restraint shall only be implemented by competent, trained staff. . . trained in the use of emergency safety interventions." The majority of the agencies contracted by the Division of Alcohol and Drug Abuse are not JCAHO accredited. If an agency is accredited it must conform to the more stringent standards of JCAHO. Additionally, agencies can establish written policies indicating that they will not do seclusion or restraint. No changes have been made to the rule as a result of this comment.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 10-7.070 Medications **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 788). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 10-7.140 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 788–790). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.120 Detoxification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 790). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.140 Residential Treatment **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 790). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 30-3.192 Specialized Program for Adolescents **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 790–791). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.260 Control of Petroleum Liquid Storage, Loading and Transfer **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 699). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the Outstate Missouri Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-3.060 Maximum Allowable Emissions of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 699–700). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-4.040 Maximum Allowable Emissions of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 700–701). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.395, RSMo 2000, the commission amends a rule as follows:

10 CSR 25-12.010 Fees and Taxes **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 702–706). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on June 4, 2002, the department testified that section 260.479, RSMo establishes the category tax paid by generators of hazardous waste, including minimum annual amounts, individual site caps, and a company cap. Currently the minimum annual amount is fifty dollars ($50), the individual site caps are forty thousand dollars ($40,000) or eighty thousand dollars ($80,000) annually depending on the waste disposal method used, and the company cap is eighty thousand dollars ($80,000) annually. The department further testified that the commission is authorized to increase these amounts annually, via the rulemaking process, by as much as 2.55%.

In addition, the department testified that various sections in Chapter 260, RSMo authorize the commission to determine the department's reasonable costs incurred in review of any plans, documents, or reports submitted by hazardous waste facilities. Section 260.375(30), RSMo authorizes the commission to determine the department's reasonable costs incurred in review of any plans, documents, or reports submitted by facilities undergoing corrective action to investigate, monitor, or clean up any releases of hazardous wastes or hazardous constituents to the environment at hazardous waste facilities. Section 260.375(7), RSMo authorizes the commission to determine the department's reasonable costs incurred in the review of any engineering data submitted by applicants for hazardous waste facility permits. Section 260.395(14) establishes that owners or operators of hazardous waste facilities shall pay to the department all reasonable costs, as determined by the commission, incurred pursuant to review of resource recovery certification applications. The department's reasonable costs are determined by use of a multiplier, as described in 10 CSR 25-12.010(3) and (4). Hourly rates for departmental staff performing oversight or engineering review are multiplied by a fixed factor to account for the department's administrative costs. The department testified that the multiplier has not been increased in several years and, at its current rate, does not enable the department to fully recover its costs because of increases in fringe benefits and other indirect costs. The department further testified that it conducted an analysis that determined that its actual costs are a factor of three and one-half (3 1/2) times the appropriate hourly rate. Therefore, the multiplier was proposed to be increased to three and one-half (3 1/2) in the proposed amendment.

SUMMARY OF COMMENTS: No written comments were received and, therefore, no changes were made to the text of the proposed amendment as a result of comments.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission is amending a rule as follows:

10 CSR 60-4.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2002 (27 MoReg 325–328). One clarification is made to the text of the rule and it is reprinted here. The rule is adopted as amended. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 23, 2002 and the public comment period ended June 14, 2002. At the public hearing the department testified that this proposed amendment adopts the U.S. EPA's new filter backwash recycling requirements. Adoption of these revisions is necessary in order to maintain primacy.

The department testified that these requirements will require surface water treatment plants that are proposed for construction or major modification after the effective date of the rule to be designed to meet filter backwash requirements. Systems practicing recycling must return their recycle flows through the system's filtration system or at an alternative location approved by the department. The rule also specifies reporting, record keeping, and treatment requirements.

Adopting these requirements will benefit the public by providing greater health protection from microbial pathogens such as *Cryptosporidium*. It will also benefit water systems and the department by ensuring they have the information necessary to evaluate whether site-specific recycle practices may adversely affect the system's ability to meet *Cryptosporidium* removal requirements.

Comments were received at the public hearing from the representative of a large privately-owned water company. The commenter stated that his company has done a filter rebuild study and believes the cost would be $20 million to bring the two plants affected by the rule into compliance. He further stated that it would take four years to complete construction. He stated that his company is interested in providing a high quality water supply and would like to work with the department. Other capital improvements will provide greater benefits to the public than rebuilding filters.

The commission considered the commenter's remarks but believes the cost estimates provided by the department in the original fiscal note are a reasonably accurate estimate of the potential costs. While costs in an extreme case could exceed the estimated amount, in other cases costs could be lower than estimated, particularly for systems that meet the alternative location option under subsection (4)(C). The commission appreciates the commenter's interest in working with the department to ensure that high quality water is provided at a reasonable cost. No changes are made in response to the comment and the federal requirement is adopted as proposed.

The commission recognizes that the phrase "on the effective date of this rule" reflects a scheduled effective date of this amendment to be Nov. 30, 2002. Subsection (1)(D) is reprinted here and the remainder of the rule is adopted as proposed.

10 CSR 60-4.050 Maximum Turbidity Contaminant Levels and Monitoring Requirements and Filter Backwash Recycling

(1) Applicability.

(D) Beginning on November 30, 2002, any water treatment plant proposed for construction or major modification must be designed to meet the filter backwash requirements in section (4) of this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission rescinds a rule as follows:

10 CSR 60-4.060 Maximum Radionuclide Contaminant Levels and Monitoring Requirements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2002 (27 MoReg 329). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this rescission was held May 23, 2002 and the public comment period ended June 14, 2002. At the public hearing the department testified that this rule is proposed for rescission and readoption in order to adopt changes to the U.S. EPA's radionuclide. No comments were received. The rescission is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission adopts a rule as follows:

10 CSR 60-4.060 Maximum Radionuclide Contaminant Levels and Monitoring Requirements **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2002 (27 MoReg 329–337). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this rule was held May 23, 2002 and the public comment period ended June 14, 2002. At the public hearing the department testified that the proposed rule adopts changes to U.S. EPA's radionuclide rule and is necessary in order to maintain primacy. The rule includes changes to monitoring requirements and sets a maximum contaminant level (MCL) for uranium of 30 micrograms per liter. The existing MCLs for radium-226, radium-228, and gross alpha emitters are retained and a screen of 50 pCi/L is set for beta and photon emitters at vulnerable systems. Adopting this rule will provide Missouri citizens greater protection from radionuclides in their water, particularly uranium which is not currently regulated as a drinking water contaminant. No public comments were received. The rule is adopted as proposed.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission rescinds a rule as follows:

12 CSR 30-3.010 Appeals From the Local Boards of Equalization **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1202). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission adopts a rule as follows:

12 CSR 30-3.010 Appeals From the Local Boards of Equalization **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1202–1203). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 4—Conditions of Recipient Participation, Rights and Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.040, RSMo Supp. 2001 and 208.201 and 660.017, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-4.090 Uninsured Parents' Health Insurance Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1206–1209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-20.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1110–1111). Those sections with changes are reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received two (2) written comments on the proposed amendment.

COMMENT: Two (2) comments recommended changing the word "may" to "shall" in the final phrase of section (8).
RESPONSE EXPLANATION OF CHANGE: The state agency concurs and has made this change to the amendment. With the change, the amendment now reads accordingly.

COMMENT: The Public Cost statement in the proposed amendment was inadvertently reprinted as the Private Cost statement.
RESPONSE: The Private Cost statement is being corrected and reprinted.

13 CSR 70-20.200 Drug Prior Authorization Process

(8) When implementing the provisions of section (3), Missouri-specific data shall include the consideration of use and cost data, pharmacoeconomic information and prudent utilization of state funds, and shall include medical and clinical criteria.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director hereby adopts a rule as follows:

13 CSR 70-20.250 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2002 (27 MoReg 1111). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received one (1) written comment on this proposed rule.

COMMENT: One comment was received proposing that, rather than making new drugs subject to immediate prior authorization, a new drug be permitted to be prescribed for the first thirty (30) days while the division makes its review. The comment argued that this would ensure access for medically needy patients to the most appropriate drug therapies without cumbersome processes that could take thirty (30) days or more to appeal if necessary.
RESPONSE: The proposed prior authorization of new products will not preclude medically needy patients from receiving access to the most appropriate new drug therapies, as the criteria will allow approval for medical necessity. Products will be available by prior authorization within twenty-four (24) hours of request for any approved indication. As such, no appeals will be needed. The division has considered the comment and has declined to make changes to the rule.

COMMENT: One comment stated that if the Medicaid Drug Prior Authorization Committee (MDPAC) has already approved a drug, it should not be necessary to review a newly marketed dosage form of the same product. The comment recommends deleting all reference to "new dosage forms" in the proposed rule.
RESPONSE: The proposed prior authorization of new dosage forms will not preclude patients from receiving approval for medical necessity. Prudent use of scarce state funds requires careful scrutiny of the effect of all new products, including new dosage forms, on the pharmacy program budget. Reimbursement limitations other than prior authorization are considered during the review, such as a dose optimization edit, and may be imposed on new dosage forms to achieve program savings. If the drug entity is already available in other dosage forms, medically needy patients have access to the product. The division has considered the comment and has declined to make changes to the rule.

COMMENT: One comment states that in section (2) of the proposed rule, it is not clear to whom interested parties may present clinical data within the division. Providing a single point of contact within the division would streamline the process and identify who is responsible for it.
RESPONSE AND EXPLANATION OF CHANGE: The Pharmacy Program Director is the primary point of contact within the division for receipt of such information. The division concurs with this suggestion, and has made a change to section (2) of the rule accordingly.

COMMENT: One comment states that it is necessary to add a provision to ensure that the prior authorization process complies with the Missouri open meetings law.
RESPONSE: Recommendations by the division staff for continued prior authorization of products will be made in writing to the Medicaid Drug Prior Authorization Committee (MDPAC). A copy of this recommendation will be available to the public prior to the MDPAC meeting in which the continued prior authorization is to be discussed. All MDPAC meetings are open to the public and are subject to the requirements of the Missouri open meetings law. The division has considered the comment and has declined to make changes to the rule.

COMMENT: One comment suggests specific wording changes to section (3) of the rule to clarify that drugs are available without prior authorization unless they are sent to the MDPAC, and that any written recommendations to the MDPAC specify the criteria used in developing the division's recommendation regarding a specific drug product.
RESPONSE AND EXPLANATION OF CHANGE: The division agrees in part with the comment, but feels that additional language is needed in order to clarify the potential for further review of a given product. Although the division agrees to include an outline of the criteria used to develop prior authorization recommendations, a complete delineation of all criteria is considered administratively burdensome. The division has made changes to section (3) of the rule accordingly.

COMMENT: One comment requested a wording change in section (4) of the rule to ensure that all interested parties are able to comment on continued prior authorization of a new drug or new drug dosage form.
RESPONSE AND EXPLANATION OF CHANGE: The division agrees in part with this suggestion, but for the sake of holding the meeting to a manageable length, has made a minor change to section (4) of the rule accordingly.

13 CSR 70-20.250 Prior Authorization of New Drug Entities or New Drug Dosage Form

(2) Prior authorization restrictions shall continue on new drug entities and new drug product dosage forms of existing drugs until reviewed by the division and the division eliminates the restriction or

makes a final determination to require the restriction. The division shall consider known cost and use data, medical and clinical criteria, and prudent utilization of state funds in the review. Interested parties may present clinical data to the division's Pharmacy Program Director.

(3) The review referenced in section (2) shall occur within thirty (30) business days after the division receives notice through pricing updates of the availability of the drug entity on the market. Upon completion of the review, the division shall make the drug available for use without prior authorization at that time by all Medicaid recipients or refer the new drug or new drug dosage form to the Medicaid Drug Prior Authorization Committee (MDPAC) with a recommendation for continued prior authorization. During the subsequent review by the MDPAC and Drug Use Review (DUR) Board, the drug shall continue to be available only through prior authorization. Staff recommendations regarding continued prior authorization of a new drug or new drug dosage form shall be made in writing to the MDPAC outlining the criteria used to develop such recommendations. A copy shall be available to the public prior to the MDPAC meeting in which the continued prior authorization is to be discussed.

(4) The MDPAC shall consider any recommendations related to continued prior authorization of a new drug or new drug dosage form at the next scheduled MDPAC meeting. The division and the MDPAC may actively seek comments about the proposed restrictions. The MDPAC shall include a minimum of fifteen (15) minutes for any interested parties who have notified the division in advance of the scheduled meeting to comment about such proposed restrictions.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 20—Communicable Diseases

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 192.006 and 192.020, RSMo 2000, the director amends a rule as follows:

19 CSR 20-20.040 Measures for the Control of Communicable, Environmental and Occupational Diseases **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1216). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 191.694, RSMo 2000, the director amends a rule as follows:

19 CSR 20-26.050 Preventing Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) from Health Care Workers to Patients **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2002 (27 MoReg 1032). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 191.700, RSMo 2000, the director amends a rule as follows:

19 CSR 20-26.060 Voluntary Evaluation for the Human Immunodeficiency Virus (HIV)- and Hepatitis B Virus (HBV)-Infected Health Care Professionals Who Perform Invasive Procedures i**s amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2002 (27 MoReg 1032). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 6—Workers' Compensation and Employer's Liability

ORDER OF RULEMAKING

By authority vested in the director of the Department of Insurance under sections 287.135 and 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 500-6.700 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2002 (27 MoReg 1032–1043). Comments were received and are responded to herein. Those sections of the proposed amendment which have been changed as a result of comments are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendment was held on July 24, 2002, and the period for written comments ended on July 26, 2002. At the hearing, the Missouri Department of Insurance (Department) briefly outlined some of the history of the proposal and discussed several possible changes to the proposal it was considering. The following persons or entities spoke in support of the proposed amendment: the Department of Insurance,

CCO, Inc. (CCO) and Martin Estepp representing Matrix Preferred Provider Organization, Inc. (Matrix). The following entities spoke in opposition to the proposed amendment: Liberty Mutual Insurance Company (Liberty Mutual), Missouri Employers Mutual Insurance Company (MEM), the American Insurance Association (the AIA) and the Missouri Insurance Coalition (the MIC). In addition to oral testimony, the Department received written comments in support of the proposed amendment from CCO, Health Choice WorkComp Management (Health Choice), and the Associated General Contractors of St. Louis (the AGC of St. Louis). The Department also received written comments in opposition to the proposed amendment from the Alliance of American Insurers (the Alliance), the AIA, MEM, the MIC and the National Association of Independent Insurers (the NAII).

In its testimony at the hearing, the Department indicated that the proposed amendment was its most recent attempt to promulgate a rule in accordance with section 287.135, RSMo. The most recent previous attempt had been initially submitted to the Secretary of State's Office in October of 2001, published in the *Missouri Register* on November 1, 2001, given a public hearing on December 12, 2001, filed with the Joint Committee on Administrative Rules (JCAR) on February 8, 2002 and disapproved by JCAR at a public hearing on March 7, 2002. The Department provided this history because the hearing before JCAR provided the Department with clarification as to what type of rule the General Assembly sought under section 287.135, RSMo. This clarification was helpful because prior attempts at a rule had been the subject of considerable debate between representatives of the insurance industry on the one hand and several managed care organizations (MCOs) on the other.

The Department's understanding is that JCAR resolved that debate through a compromise. Under that compromise, it directed the Department to promulgate a "regular" rule and an "emergency" rule to implement section 287.135, RSMo. The rules were to be "pro-MCO" rules which recognized that employers had the right to choose their MCOs and which provided a mechanism for paying those MCOs which had not been paid since 1993 (i.e., the year when section 287.135, RSMo became effective) due to the absence of a rule. The other part of the compromise was JCAR's directive to the Department to "sunset" the rules as of December 31, 2002, so that the insurance industry would not be required to reimburse employer-selected MCOs for MCO services provided after that date. In addition, JCAR formally disapproved the version of the rule then before it. Subsequently, the Chairman of JCAR introduced Senate Concurrent Resolution (SCR) 58 which memorialized these directives to the Department. SCR 58 was passed unanimously by the Senate and House and was signed by the Governor on July 12, 2002.

In its testimony, the Department indicated that the present proposed amendment was its attempt to implement Section 287.135, RSMo and SCR 58. In consideration of the fact that the General Assembly specifically directed the Department to provide a mechanism for reimbursing MCOs that had outstanding payment disputes with insurers going back to 1993, the Department indicated that it was considering modifications to the proposed amendment to allow outstanding claims to be consolidated on a company-by-company basis.

Finally, the Department discussed a provision enacted as part of Senate Bill 895 which some had indicated they thought removed the Department's authority to require insurers to reimburse MCOs with whom they had no reimbursement contracts.

Three (3) MCOs (CCO, Matrix and Health Choice) provided oral and/or written testimony in favor of the proposed amendment, with certain caveats. CCO argued the Department should follow the proposed amendment (set to sunset on December 31, 2002) with a rule that continued on into the future after that date. In such a rule, CCO argued the Department should add a provision precluding insurers from "debiting" the premiums of employers who chose to use an MCO not under contract with the employer's insurer. Matrix cited a number of prior reimbursement problems, but indicated a desire to settle outstanding disputes with carriers to put the issue to rest. Health Choice asked that the Department clarify that the presumption in the proposed amendment (i.e., that an access fee of twenty-five percent (25%) of savings is reasonable) did not need to be proven in each and every case. In addition to these MCOs, the AGC of St. Louis indicated it supported any rule which possessed certain features, including allowing employers to use an MCO different from those MCOs affiliated with the insurer, prohibiting insurers from passing on MCO charges to employers and requiring the same discounts for both affiliated and non-affiliated MCOs unless the insurer provided objective evidence that the affiliated MCOs were more cost-effective.

Two (2) insurance companies (Liberty Mutual and MEM) and four (4) insurance industry trade groups (the AIA, the Alliance, the NAII and the MIC) provided oral and/or written testimony in opposition to the proposed amendment. These entities expressed the view that insurers should not be required to reimburse MCOs with whom they have no contracts, for a number of reasons. Their position was that in order to function at a high level of efficiency and to assure the highest quality of care and greatest savings, insurers need to be able to partner with the best MCOs. They argued that integrating the systems of MCOs and insurance companies was difficult and expensive, and that without a high degree of automation, potential savings would be lost. From their point of view, this level of integration requires a contractual relationship between insurers and MCOs. They also questioned whether the Department has the authority to promulgate the proposed amendment, citing the recently enacted provision in Senate Bill 895 and arguing that section 287.135, RSMo constituted an unlawful delegation of legislative authority to the Department of Insurance. They also raised other points of concern and suggested a number of changes to the proposed amendment. Finally, they requested at the end of the hearing that the Department include as part of the record on this version of the rule those materials associated with the three (3) previous formal proposed versions, a request which the Department agreed to.

COMMENT: CCO argued that the Department should not stop at a rule that "sunsets" at the end of 2002. From CCO's perspective, the logical interpretation of section 287.135, RSMo and SCR 58 is that the General Assembly only wanted a "retrospective" rule to sunset at the end of the year. In other words, while the rule ordered under SCR 58 is designed to provide a mechanism to reimburse MCOs for unpaid bills since 1993 and should sunset at the end of the year, the rule required under section 287.135, RSMo has no set sunset date, and therefore it should function on a going-forward basis, even after 2002. Essentially, CCO saw SCR 58 and section 287.135, RSMo as calling for separate rules.

CCO also argued that the Department should amend this version of the rule to include provisions which had been included in earlier versions which prohibited insurance companies from providing differential pricing to employers depending upon whether or not the employer used an insurer-affiliated MCO or an employer-selected, non-insurer-affiliated MCO.

RESPONSE: While the Department understands CCO's argument that a permanent, going-forward rule should be written to be effective *after* December 31, 2002, that is simply not the Department's understanding of the General Assembly's intent. The key portion of SCR 58 reads as follows:

> BE IT FURTHER RESOLVED, that the General Assembly hereby directs the Department of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo. . .

From the Department's perspective, this provision is not limited only to MCOs that haven't been paid since 1993. The Department believes the provision's language ordering rules that ". . . .provide a mechanism to pay managed care organizations, including those whose claims have been denied. . . ." means that the emergency and proposed rules are intended to cover all MCOs, "including those" that have gone unpaid. Otherwise, the words "including those" could have been eliminated and the SCR language could have been written ". . . .provide a mechanism to pay managed care organizations whose claims have been denied. . . ." Because the Department must give meaning to *all* the words used by the General Assembly, it must presume that the "including those" language does have meaning. To give meaning to those words, the Department has concluded it must infer that the General Assembly's intent was that the Department's rules cover all MCOs. And, since SCR 58 directs these rules to sunset on December 31, 2002, the Department believes the sunset date applies to provisions relating to all MCOs, not just those that have gone unpaid. Buttressing this conclusion is the fact that, at no time during the passage of SCR 58 or at the March 7, 2002 JCAR hearing, does the Department recall any discussions directing the promulgation of a separate, going-forward regulation to be effective after 2002.

Because the Department does not see the General Assembly's directive as requiring a going-forward version of the rule to be effective after 2002, the Department declines to amend the proposal to prohibit any differential pricing by insurers linked to the particular MCO selected by an employer. While such a provision would make sense as a method of safeguarding an employer's right to select his or her MCO, since the proposal will be effective only for a short time in 2002, it isn't justified. To the extent any questions concerning differential pricing do arise, the Department can address them under its general regulatory authority over the "reasonableness" of rates.

COMMENT: Matrix discussed a number of situations wherein it felt insurers had unjustly refused to reimburse it for MCO services provided. These were services Matrix provided as an employer-selected MCO. Matrix argued that the General Assembly had confirmed (through SCR 58) that employer-selected MCOs were intended by the General Assembly to be reimbursed under rules to be promulgated pursuant to 287.135, RSMo. However, despite the many instances and many years of non-payment by insurers, Matrix said it was willing to put the issue behind it without further public debate, but only so long as insurers provided reasonable reimbursement for these previously-provided services.

In addition, Matrix introduced a number of exhibits, including a thick file of documents that represented the invoices associated with just one employee injury. Matrix suggested that insurers would be well advised to settle outstanding claims rather than approaching them on a claim-by-claim or invoice-by-invoice basis.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees with Matrix that the General Assembly has clarified that one intent behind section 287.135, RSMo was to allow employers to select their MCO and to require insurers to reimburse such MCOs for their reasonable MCO fees.

The Department also agrees that a claim-by-claim or invoice-by-invoice approach to reviewing MCO bills and determining "reasonableness" will be time-consuming. Therefore, the Department has decided to modify the rule in two (2) respects. First, it has decided to presume that the preconditions set forth in section (5) of the proposed amendment have in fact been met. Based on its understanding of the outstanding disputes, it seems likely that this presumption will be true the majority of the time. In those cases where an insurer is able to show under section (6) that a particular precondition has not been met, that will be grounds for not reimbursing the fee in question. Second, the department has decided to add a provision to section (6) of the proposed amendment to allow for all of an MCO's claims against one (1) insurer or one (1) insurance company holding group to be consolidated where there are common issues between them.

COMMENT: Health Choice discussed the provisions of the proposed rule that establish a "presumption" that an MCO access fee of twenty-five percent (25%) of savings is reasonable. This is the fee that Health Choice charges and therefore, Health Choice finds it to be acceptable. However, it suggested that the Department clarify that MCOs would not have to justify the reasonableness of every access fee that was less than or equal to this cap.

RESPONSE: The Department does not intend that MCOs prove the reasonableness of access fees that are less than or equal to twenty-five percent (25%) of savings. This is the point of setting forth a "presumption," which automatically shifts the burden to the opposing side to show why the fee is *not* reasonable. MCOs that charge an access fee of less than or equal to twenty-five percent (25%) of savings as their normal access fee will not be required to prove the reasonableness of such fees as part of the Department's review process, although the Department will be required to consider any evidence presented by the insurer which suggests the percentage is not reasonable. If such evidence is introduced, the MCO will be allowed a response under subsection (6)(F) of the rule.

COMMENT: The AGC of St. Louis presented written comments in which it outlined its position on what features an MCO rule should contain. These included that employers should have the right to use a non-insurer-affiliated MCO of their choosing. However, the AGC of St. Louis also requested that insurers not be allowed to pass MCO charges on to employers or to include MCO fees as an allocated expense to be included in an employer's experience rating.

RESPONSE: The Department believes the General Assembly has clarified that section 287.135, RSMo intended that employers have the right to select their MCOs and have their insurers pay for the reasonable expenses of such MCOs. However, MCO savings and expenses will affect the losses incurred by insurers and will inevitably be reflected in their premium rates. And, because MCO fees can easily be allocated to a particular employer's losses, it would normally be permissible to include them in the calculation of that employer's experience modification factor, under the rules governing such calculations. Nevertheless, because a discounted medical fee and its accompanying access fee would be lower than an undiscounted medical fee, the employer's experience modification should be lower than if the MCO had not been used.

COMMENT: The AIA and the Alliance argued that it was a mistake for the proposed amendment to equate the choice of a "health care provider" with the choice of an "MCO." AIA suggested that the Department was misinterpreting statutory language in this regard.

RESPONSE: The Department recognizes that there is a difference between an individual health care provider and an MCO. The former is a person licensed by state law to provide medical care, while the latter is a "network" of individuals and other entities, many of whom are health care providers, but some of whom are not. Section 287.140, subsection 10 of Missouri's Workers' Compensation Law provides that "[t]he employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider. . . ." The Department understands that this subsection applies to individual health care providers and does not, by its terms, apply to MCOs.

The Department's decision to allow employer choice of MCOs under this rule is not based on section 287.140, but rather on section 287.135, RSMo, subsection 1 of which directs the Department to " . . .establish a program whereby managed care organizations in this state shall be certified by the department for the provision of managed care services to employers who voluntarily choose to use such organizations." The Department interprets the phrase " . . .voluntarily choose to use such organizations . . ." to mean that employers have the right to select their MCO.

Of course, the issue is not only whether the employer has the right to select an MCO (which some insurers, such as Liberty Mutual, have conceded they have the right to do), but rather, whether, under

section 287.135, RSMo, the employer can select an MCO that is not under contract with the employer's insurance company and, as a result of that selection, obligate the insurance company to pay for certain administrative and other costs of the MCO. During the years of discussion on this issue, the central debate has been between those who interpreted section 287.135, RSMo as authorizing both employer choice of an MCO and insurance carrier reimbursement of that MCO, and those who do not.

To the extent section 287.135, RSMo was unclear on this point, the issue was clarified this year by the General Assembly's Joint Committee on Administrative Rules during the March 7, 2002 hearing on a prior version of this rule. At the hearing, JCAR made it clear that employers had the right to select their MCO. JCAR disapproved the Department's prior version of the rule and requested that the Department file a new, "pro-MCO" version. The Department interpreted this to mean that an insurer would be obligated to pay the reasonable administrative fees of an employer-selected MCO. This view is reinforced by the General Assembly's unanimous passage and subsequent signature by the Governor of Senate Concurrent Resolution 58. SCR 58 noted that MCOs had been denied payment for their services by insurers due to the absence of a Department rule on the matter and it directed the Department to " . . .promulgate an emergency rule and a proposed rule . . . which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo . . ."

The Department is unaware of any outstanding payment issues between insurance companies and MCOs with whom the insurers have a contract. The only outstanding payment issues of which the Department is aware are those between employer-selected MCOs and insurance companies with whom these MCOs *do not* have contracts. It is for these instances that subsection 3 of Section 287.135 directed the Department to promulgate a rule on reimbursement. Later, the same subsection indicates that, where a contract for reimbursement does exist between the insurer and the MCO, the contract's reimbursement provisions prevail. The obvious conclusion is that, under section 287.135, RSMo, where there is no such contract, the rule's reimbursement provisions are intended to prevail.

COMMENT: The MIC argued that the "criteria" for reimbursement under section 287.135, RSMo should require the existence of a contract between the employer-selected MCO and the employer's insurer, as a precondition to requiring the insurer to reimburse the MCO.
RESPONSE: For the reasons cited in the response set forth immediately above, the Department disagrees. The General Assembly clearly distinguished between situations where the MCO and the insurer have a reimbursement contract and situations where they do not. The terms of the reimbursement contract prevail where the contract exists, while the rule will prevail where there is no contract. If the General Assembly intended that there always be a contract, the terms of which would always prevail, then the General Assembly would not have needed to allow the provisions of an insurer/MCO contract to prevail "notwithstanding any other provisions of this subsection to the contrary . . ." Yet this is in fact the language used in the last sentence of subsection 3 of section 287.135, RSMo. Because the rules of statutory construction require the "notwithstanding" language to have some meaning, the logical conclusion is that subsection 3 of section 287.135's earlier directive to the Department to " . . .promulgate rules which set out the criteria under which the fees charged by a managed care organization shall be reimbursed by an employer's workers' compensation insurer . . ." is meant to apply to situations where no insurer/MCO contracts exist, and that the "notwithstanding" language applies where such contracts do exist.

COMMENT: The Alliance and MEM indicated that the Department was violating the intent of the General Assembly regarding section 287.135, RSMo. They argued that the intent was to encourage employers to use MCOs in order to increase the quality of medical care provided to injured employees and to reduce the cost of that care. The Alliance argued that this would be accomplished best by encouraging insurers to enlarge the MCO networks they have under contract, thereby providing more complete access to specialists, etc. in all parts of the state. MEM argued that the General Assembly would not have intended a result that would lower the quality of care provided to an injured employee or increase costs. The NAII agreed, and argued that the proposed rule would result in extra costs to the system, which would be contrary to the goal of having an efficient workers' compensation system. The Alliance and MEM cited the additional costs of integrating employer-selected MCOs with an insurer's systems as one such additional cost. Liberty Mutual argued that significant savings are impossible to achieve without thorough computerization of systems. MEM argued that, at the beginning of the 21st Century, we should be working toward more automation of systems, not less.
RESPONSE: While the Department agrees that improving the quality of medical care received by injured employees and saving on the cost of medical care are important goals, they are not necessarily the only goals the General Assembly might have been advancing with the passage of section 287.135, RSMo. Employer choice of MCOs was apparently another goal. According to the testimony of MEM, which tried to integrate the services of a number of MCOs, doing so was difficult due to the different cost management philosophies and procedures of the different MCOs. To a certain extent, the Department believes these difficulties may simply be examples of lessons we have learned since the idea of using "MCOs" as a method of managing workers' compensation costs was first considered by state officials in the early 1990s. However, the Department is unaware of any definitive studies which make clear that one approach to managing workers' compensation costs is clearly the best or "preferred" approach. To the degree MCOs were operating in good faith to control costs based on reasonable methodologies, the Department believes the General Assembly intended these MCOs be reimbursed by insurers. But, because the SCR 58 did not direct the Department's rules to extend beyond the end of 2002, presumably insurers will be in a position to apply the lessons learned in previous years into the future. Thus, those carriers that choose to increase the level of systems integration between their automated systems and those of a select group of contract-MCOs will be free to do so.

COMMENT: The MIC and MEM argued that the additional cost that would result from the proposed amendment might encourage insurance companies to leave the state and might encourage employers to self-insure.
RESPONSE: The main thrust of the proposed rule is to implement section 287.135 as directed by the General Assembly in SCR 58. As such, the primary focus will be on settling the outstanding reimbursement disputes between insurers and those employer-selected MCOs who provided managed care services but who weren't reimbursed by insurers since 1993. It's not clear how many non-reimbursement disputes will be presented to the Department, but the Department presumes they represent, in dollar terms, only a fraction of the premium generated in Missouri's insured workers' compensation market since 1993. Because the provisions of the proposed amendment will terminate on December 31, 2002, the main burden that will be imposed on the insurance industry by the proposal will be to wrap up those outstanding disputes that date back to 1993. The Department believes that it is unlikely that the burden of resolving these disputes will be enough to cause any significant flight of insurers from Missouri's marketplace or a sizable shift to self-insurance.

COMMENT: The NAII and the MIC argued that section 287.135, RSMo is an unlawful delegation of legislative authority to the Department of Insurance to, by rule, balance the financial interests of two competing parties, the insurance companies and the MCOs. They argued that deciding such matters is not the function of a regulatory

agency but rather, the legislature itself, and that the legislature cannot delegate that function to an agency.

RESPONSE: The general rules of statutory construction require the Department to presume the legislature enacted a valid statute when it enacted section 287.135, RSMo. Regarding the balancing of the financial interests between insurers and MCOs, section 287.135 provides written standards under which the Department is to determine whether an MCO fee is to be reimbursed by an insurer, standards which require the fee to be reasonable in relation both to the managed care services provided and to the savings which result from those services, and which discourage the use of fee arrangements which result in unjustified costs being billed for either medical services or managed care services.

COMMENT: The Alliance and Liberty Mutual argued that the proposed amendment would effectively force insurers into business relationships with MCOs that were not of their choosing. The NAII argued this imposition of a contract on the parties would be improper.

RESPONSE: The Department notes that under section 287.140, RSMo, insurers are required to interact with and reimburse health care providers chosen by the employer. In fact, as the second sentence of subsection 10 of section 287.140, RSMo makes clear, the right to select the health care provider is the employer's right and not the insurer's. If it is permissible for Missouri statutes to allow the employer to select health care providers who are thereafter to be reimbursed for their reasonable fees by the employer's insurer, then, it is not clear to the Department why it would be improper for the statutes to allow the employer to select an MCO which would thereafter be reimbursed for its reasonable fees by the employer's insurer. In both situations, the employer would be making a choice that would thereafter obligate his or her insurer to make reimbursement to a third party not under contract with the insurer.

COMMENT: The AIA and MEM argue that allowing the insurer to select the MCO is more efficient and more effective than allowing the employer to select the MCO.

RESPONSE: To the extent there is merit in this argument, the fact that the General Assembly saw fit in SCR 58 to direct the Department to sunset any rule under section 287.135, RSMo as of December 31, 2002, means, as a practical matter, that the insurers will be able to achieve the efficiency and effectiveness they believe is possible through insurer selection of MCOs. Even though employers will still have the "right" to select an MCO, there will be no Department rule requiring insurers to reimburse such employer-selected MCOs, thereby reducing the likelihood employers will exercise that option.

In its written comments, MEM documents the difficulties it encountered in attempting to implement a system whereby employers had the option of selecting from among seven (7) different MCOs. Only twenty-five percent (25%) of their insured employers took advantage of that option. In MEM's experience, while that program resulted in savings on medical expenses, a considerable amount of administrative effort was required to achieve those results. More recently, MEM has gone to a different system, whereby employers are assigned one (1) of two (2) "partner" MCOs unless the employer opts out by selecting a third MCO or no MCO. Under this approach, ninety percent (90%) of employers are covered by managed care agreements and the medical savings have increased by forty percent (40%) over the previous system, with less administrative difficulty for MEM's claims staff.

Nothing in the proposed amendment prohibits such an approach. What the proposed amendment does require is, for the period running back to 1993, that MCOs who provided managed care services in good faith on behalf of employers but who did not get paid for those services by insurers be reimbursed by insurers at reasonable level of compensation.

COMMENT: Various entities took exception to the proposed amendment's various standards of "reasonableness" for MCO fees. The NAII complained that the proposal has several different options which would permit an MCO to charge whatever it saw fit to charge, with insurers being forced to reimburse those charges. The AIA questioned how the proposed amendment's standard for a reasonable access fee of "25% of savings off billed charges" was arrived at, it questioned the proposal's lack of a clear definition of a provider's "usual and customary" charge for a service and it recommended that the Department refer to a specified database to establish the "usual and customary charge" for a service. The Alliance agreed with this last point, and pointed out Missouri law requires the provider fees to be "fair and reasonable." Liberty Mutual argued that the maximum allowed percent of savings an MCO would be allowed to receive (i.e., twenty-five percent (25%) would effectively become the "floor" for such charges, and it argued that the result of the proposed amendment would be a realization of, say, eighteen percent (18%) savings on medical costs, not the thirty-eight percent (38%) Liberty has been able to realize using its own procedures, based on one example.

RESPONSE: When the Department originally contemplated a rule under section 287.135, RSMo, shortly after the passage of Senate Bill 251 in 1993, one of the difficulties was defining "savings." In part, this was because new language added to subsection 3 of section 287.140, RSMo raised the possibility that workers' compensation health care providers would be limited to charging only those amounts they normally "received" for such services from insurers. Previously, the common MCO reimbursement practice had been to request to be paid a percentage of the savings realized by discounting the provider's fee off the provider's normal "billed charges." In the modern "managed care" era, since providers seldom "receive" their billed charges from insurers, it appeared that using billed charges as a foundation for determining "savings" might no longer be appropriate after the changes made to section 287.140, RSMo in SB 251.

However, in the intervening years, the decisions construing section 278.140.3 by the Administrative Law Judges of the Missouri Division of Workers' Compensation and the Missouri courts have interpreted this subsection to allow a provider to receive his normal billed charges unless an insurer can show through competent evidence that the normal billed charge is not reasonable. To date, no insurer has met this burden of proof in any reported case. Thus, Missouri case law has determined that the starting point for establishing a "fair and reasonable" "usual and customary" provider charge is the provider's normal billed charges. See *Esquivel v. Day's Inn of Branson*, 959 S.W.2d. 486 (Mo.App. So. District 1998).

The insurance industry apparently interprets the terms "usual and customary" as used in subsection 3 of section 287.140 to have the same meaning as those terms often have in common insurance parlance, that is to say, the "average" fee charged by physicians in the same geographic area for the same medical service or procedure. Many insurers (including auto insurers paying medical claims, health insurers, health maintenance organizations, etc.) contribute cost data to private databases which then calculate various averages and percentiles for the costs of various procedures. Workers' compensation insurers would prefer "savings" be defined as savings off some average or percentile indicated in such a database, not the savings off the provider's normal billed charges. However, as indicated above, Missouri's ALJs and courts have determined a provider is allowed to recoup his normal billed charges; a provider is not restricted to some third-party database's indication of what is usual and customary in the provider's geographic region.

The Department selected the "25% of savings" level as a "reasonable" MCO access fee after discussions with a coalition of MCOs. Some of these MCOs receive more and some receive less from those self-insured employers and insurance companies from whom they currently receive reimbursement. Other reimbursement mechanisms exist, but are often more complicated. The MCOs with whom the Department has discussed the matter indicate that the "25% of savings" level is currently the "standard" MCO rate in the Missouri

marketplace. Insurers have produced no evidence that another standard exists.

In theory, MCOs could be paid *more* than twenty-five percent (25%) of savings but still save the workers' compensation system money. The starting point for determining whether a medical charge is "reasonable" is the provider's normal billed charge. As Missouri case law has determined, a provider is entitled to this amount unless the insurer is formally willing to go forward with evidence that the amount is unreasonable or unfair. If an MCO negotiates with a provider to accept less than the normal billed charge, the workers' compensation system is saved costs it would otherwise lawfully be required to incur. This is true so long as the MCO retains anything less that the entire amount of the savings for its own reimbursement. In theory, the MCO could ask to retain, say, seventy-five percent (75%) of the savings, and still save the system money; the benefit of the "25%" level is that it allows the insurer and the employer to benefit from the majority of the savings.

While it is true that some insurers may be able to negotiate deeper discounts than employer-selected MCOs, it is not clear that this automatically means the twenty-five percent (25%) level is somehow too high, all things considered. After all, insurers with larger discounts are unquestionably free to encourage their insured employers to sign up for these theoretically superior, insurer-contracted MCOs. If the insurer's MCO is in fact the best option for the employer, he will presumably adopt it. However, if the employer doesn't make that selection, presumably there are other intangibles (e.g. "quality of service") that have led the employer to select an alternative MCO. This merely illustrates the point that while discounts are a factor in the MCO environment, they are not necessarily the only factor to be considered.

The Department believes that including a provision in the rule which "presumes" that the standard MCO access fee of twenty-five percent (25%) of savings off the provider's normal billed charges is "reasonable" will be an efficient tool for resolving reimbursement disputes. Insurers that believe this level of reimbursement is unreasonable will be permitted to present evidence to that effect, and the Department will consider that evidence. It is clearly possible that a lower level of reimbursement will be justified by the evidence in any number of cases. The "25%" figure is merely the starting point.

Finally, as far as the "25%" standard becoming a *de facto* standard, the Department will simply reiterate that the proposed amendment has a sunset date of December 31, 2002, after which it will not govern any prospective MCO-insurer relationships.

COMMENT: The Alliance argued that some type of economic disincentive should be placed on the employer for going outside the insurer's MCO network. The Alliance argued that the Department should consider a rule whereby an employer-selected MCO would only be reimbursed by the employer's insurer in situations where the insurer-selected MCO's network did not have a provider in the same medical specialty and same geographic location available for the employer's use. The employer-selected MCO and its provider would then be reimbursed, but only at the same rates normally reimbursed by the insurer according to its own schedule of usual and customary charges.

RESPONSE: The approach suggested by the Alliance would seem to violate Missouri public policy in two respects, both already mentioned above. First, section 287.140, subsection 10 gives the employer (and, specifically, *not* the employer's insurer) the right to select the health care provider. Perhaps it is possible for an employer to officially waive this right and agree to use providers in the insurer's network, but presumably some form of formal written agreement to this effect would be required. Second, section 287.140, subsection 3 has been interpreted to allow a provider his normal billed charges; therefore, if an employer exercises his right to select an out-of-network provider, under Missouri's case law, the provider's reimbursement would be based on his own normal charges, not the insurer's network charges.

COMMENT: Regarding MCO fees other than "access" fees, the AIA questioned whether MCOs have a "standard" fee charged to other payors. They also inquired whether "other payors" include only workers' compensation payors.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that subsection (4)(C) of the proposed amendment should be clarified. To the extent an MCO has more than one (1) charge for a non-access fee, the fee deemed "reasonable" under the rule will be the lowest of these fees. If the MCO charges workers' compensation insurers more for a service than other insurers, an MCO which seeks to be reimbursed for the additional amount will have the burden of showing that the additional cost is justified because of additional efforts, resources, or other inputs necessitated by unique features of the workers' compensation environment.

COMMENT: The Alliance and MEM discussed the integration costs faced by an insurer dealing with an employer-selected MCO not under contract with the insurer. The Alliance argued that the MCO should be required to pay these additional costs, which would likely be substantial, and it noted such costs were not included in the fiscal note. MEM detailed its efforts at trying to allow employers substantial freedom of choice in their selection of an MCO, and the difficulties involved in such an approach. In particular, MEM indicated that the proposed amendment's conclusion that an insurer would be adequately notified of an employer's contract with an MCO upon the insurer's receipt of an invoice from the MCO indicated a lack of understanding by the Department of the realities of managing an insurance operation. Liberty Mutual also commented on the proposal's lack of prior notice to the insurer of the employer/MCO relationship.

RESPONSE: In prior versions of this rule, the Department attempted to deal with the issue of the costs of integrating insurers and MCOs on a prospective basis. The Department agrees with the notion that a highly efficient system would require a considerable level of integration between the parties. However, pursuant to SCR 58, the proposed amendment will sunset at the end of calendar year 2002. As such, there is little justification for requiring insurers or MCOs to expend substantial amounts to modify their systems to adapt to a rule that will be in effect for a comparatively short period of time. To the degree individual insurers and MCOs choose to improve efficiencies in the future through heightened integration of systems, they will have the opportunity to do so on their own.

However, because SCR 58 specifically directs the Department to promulgate rules which ". . .provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill 251 in 1993. . .", the Department must take notice of the level of integration between insurers and these unpaid, employer-selected MCOs since 1993. It is the Department's understanding that the normal method by which employer-selected MCOs sought reimbursement was through the use of a fee invoice, sent to the insurer. Assuming certain basic information was provided in such an invoice, this payment device seems to be a reasonable method of interface between the insurer and the MCO. While it is clear the trend is toward greater and greater degrees of computer automation in the claims handling and bill paying processes, insurers still must have the flexibility to deal with those situations, permitted under section 287.140, RSMo, subsection 10, whereby the employer selects a health care provider outside the insurer's network, and thus, outside its automated system. The traditional system of billing through the mail is the fallback mechanism for dealing with such situations and will be considered sufficient by the Department for payment of MCO bills since 1993. Since the rule sunsets at the end of 2002, and since there are no new integration requirements in the rule other than those already used to date, there are no additional integration costs, *per se*, that need to be reflected in the fiscal note.

COMMENT: Liberty Mutual and MEM cautioned the Department against following an approach similar to one that had failed in

Florida. That state required all workers' compensation medical bills to be administered through an MCO. In 2001, within five years of the start of the program, Florida eliminated it. MEM argued that the main flaw in the Florida program was a lack of incentives. Knowing that the payment of MCOs for their services was mandated, MCOs had no incentive to hold down medical provider costs or operate more efficiently. And, knowing they were being paid to review medical bills, MCOs allowed a greater number of medical procedures to be performed, thereby assuring them more bills to review (and be paid for reviewing). The end result was a significant increase in the medical cost per claim. MEM argued that, like the Florida plan, the proposed amendment lacks incentives for employer-selected MCOs to control costs. Liberty indicated that if the proposed rule went into effect, Missouri would be the only state in the country with anything like it.

RESPONSE: The proposed amendment does not provide an unrestricted license to MCOs to bill for services. It operates on the presumption that MCOs are operating in good faith to control costs, but it allows insurers to argue against MCO reimbursement when reimbursement is unreasonable under the circumstances. And, while it may be true that Missouri will be the only state in the nation with such an MCO rule, as noted above, it will only remain in place until December 31, 2002.

COMMENT: The Alliance and Liberty Mutual argued that even if the employer is allowed to select his or her own MCO, the employer's insurance company should not be required to reimburse that MCO for the MCO's fees. The Alliance indicated that when an insurer selects its own MCO, it factors the costs associated with that MCO into the cost of the insurance coverage provided. The AIA and MEM argued that allowing the employer to select his own MCO would add significant costs to the system, and the NAII, the MIC and MEM argued these additional costs would result in higher rates. The AIA and MEM argued that the proposal would increase employer confusion, the AIA and the Alliance indicated the proposal would undermine the quality of care being provided, and the AIA said that injured employees would be the ultimate victims of the approach taken in the proposal.

RESPONSE: Based both on the comments made by the members of the Joint Committee on Administrative Rules at the March 7, 2002 hearing concerning the prior version of this proposal, and on the provisions of SCR 58, the Department has concluded the General Assembly has indicated that one intent behind section 287.135, RSMo was indeed to allow the employer to select the MCO and thereafter have the employer's insurer pay the MCO's reasonable fees. While requiring insurers to pay the fees of employer-selected MCOs will entail some cost, the cost will be limited. The proposed amendment will primarily address only those situations where MCO services were provided since 1993 but were not reimbursed. It is the Department's understanding that most MCOs stopped providing such services to certain carriers once it became clear that payment would not be forthcoming from these carriers. As such, the number of cases where the proposed amendment will require reimbursement will be a fraction of what it would have been had the same rule provisions been promulgated in 1993. As to the issue of "confusion," the Department notes that insurers have testified that part of the problem has been their own failure to communicate the existence of their own high-quality managed care programs to their own insured employers. As to undermining the quality of care, the Department has heard of no cases in the last ten (10) years in which the use of employer-selected MCOs has harmed an injured employee.

COMMENT: The Alliance and Liberty Mutual suggested that a number of additional features be added to the proposed amendment. The Alliance said employers should be notified of the costs and expected savings of using an outside MCO, and it suggested that insurers be permitted to require financial protections such as bonds or letters of credit to assure funds paid to the MCOs are in fact transferred from the MCOs to medical providers. Liberty suggested MCO contracts be limited to a period of twelve (12) months and that employers have a forty-five (45)-day cooling off period during which they could back out of a contract with an MCO.

RESPONSE: The Department declines to make the suggested changes. Since the rule will sunset at the end of 2002 and is principally directed at providing compensation for MCO services already provided under MCO/employer contracts already entered into, requiring new pre-contract information on costs and savings would be of minimal value. Likewise, requirements for twelve (12)-month MCO contracts and a cooling off period are largely moot given the rule's short period of prospective operation. Additional financial protections seem unnecessary, as the Department is unaware of any instances of non-payment by an MCO of a provider, primarily because MCOs request that insurers pay the provider and the MCO separately and directly, meaning that the MCO is, to the Department's understanding, typically not holding funds from the insurer for a provider.

COMMENT: The Department received several comments regarding the proposed amendment's methodology for dealing with payment disputes between an insurer and an MCO. The AIA argued that the Department of Insurance was not the proper venue for such disputes, since section 287.135, RSMo specifically directs such disputes to be handled by the Division of Workers' Compensation of the Department of Labor and Industrial Relations. MEM argued that the proposed methodology was one-sided, in that it basically only required the MCO to submit a bill to an insurer, and the AIA alleged that the dispute process would be cumbersome and would make it too costly for insurers to dispute unreasonable MCO fees.

RESPONSE AND EXPLANATION OF CHANGES: The AIA's argument that subsection 5 of section 287.135 places the venue for MCO/insurer fees disputes is incorrect. That provision only addresses issues of the "necessity and appropriateness of medical care services" not the reasonableness of any MCO fees associated with such services. The Division of Workers' Compensation has declined to hear MCO fee disputes under this section in the past, citing its lack of statutory authority to do so. The Department agrees that the approach to disputes contained in the proposal could be cumbersome if it required an analysis of MCO bills on an invoice-by-invoice basis. As a result, the Department has added language to section (6) of the rule that would allow the Department to consolidate its review of all the bills allegedly owed by one (1) insurer or insurance company holding group and one (1) MCO. During such a consolidated process, insurers would be permitted to make general arguments on the reasonableness of the MCO fees in question, without being required to do so repeatedly, on an invoice-by-invoice basis. They could also still object to individual invoices as the circumstances justified. The Department also considered adding language allowing it to dismiss a claim or claims between one (1) MCO and one (1) insurer or group of insurers where a private settlement has been reached between the parties, but decided this was effectively covered already under the provisions of subsection (5)(D).

COMMENT: Liberty Mutual suggested that the Department should be balanced in any review of MCO issues and thereby investigate any complaints that have been lodged against MCOs by employers. Believing the suggestion to have been directed at Matrix, Matrix invited the Department to conduct such a review.

RESPONSE: Were this rule intended to apply into the distant future, the Department would agree that it should include provisions to review instances of questionable MCO practices. However, the rule will sunset at the end of 2002. In addition, the directive of the General Assembly in SCR 58 is to promulgate a mechanism which gets MCOs paid, not investigate them for allegedly improper behavior.

COMMENT: The AIA and the MIC questioned the Department's apparent reliance on SCR 58 as support for the proposed amendment. The MIC indicated that a "resolution" merely expresses an opinion of the General Assembly or addresses some internal management issue of that body, and is not the same as a statutory enactment. The MIC assumed the Department agreed since it had not promulgated an emergency rule on the MCO issue, as called for in SCR 58. The AIA argued that the SCR raised fundamental issues regarding the separation of powers between the three branches of state government and that the Department should avoid setting a dangerous precedent.

RESPONSE: As the Department understands the case law on this issue, the General Assembly has done everything necessary in SCR 58 to enact a measure with the force and effect of law. The Missouri Supreme Court has noted that, in disapproving a state agency rule, the General Assembly is acting in a "legislative" capacity, and that in doing so, it must follow the Constitutional requirements for the passage of legislation. For example, the measure must have a title which is read on three separate days in both houses of the General Assembly, the measure must be voted on by both houses and later presented to and signed by the Governor. Since all of these steps were taken with regard to SCR 58, the Department believes it is justified in relying on that enactment as a source of guidance on the MCO issue. In particular, the General Assembly has clarified what had heretofore been a question mark regarding whether the General Assembly intended to require the reimbursement by insurers of employer-selected MCOs. Regarding an emergency rule, the Department in fact intends to submit such a rule to the Secretary of State after it completes work on this proposed amendment, allowing the emergency rule to go into effect in September.

COMMENT: The AIA, the Alliance, the NAII and the MIC all commented on language enacted as part of Senate Bill 895 during the General Assembly's 2002 regular session. The language in question reads as follows:

> "Notwithstanding any other provisions of law to the contrary, no rule promulgated by the department setting forth criteria for payment of fees by or integration of systems of an insurer and an entity administering claims involving injured employees shall apply to such parties, unless a contractual relationship between such parties to administer claims on behalf of one or more employers is established and the provision of the rule are not contrary to the specific terms in the contract."

The MIC observed that the above language apparently indicated the General Assembly realized the inappropriateness of imposing "contracts of adhesion" on the parties by rule, or that the Assembly realized the adverse impact of such a requirement and thus limited the scope of any forthcoming rule. The NAII said the new language clarified the need for a contractual relationship between an insurer and an MCO prior to payment. The Alliance said the new language meant that if there were no contract between an insurer and an MCO, a rule mandating payment to the MCO would not apply, and that if there were a contract, the provisions of the contract would control. The Alliance declared that such was "the American Way."

RESPONSE: The Department was aware of the provision in question when it first appeared at the end of the session as part of Senate Bill 895. It is not clear to the Department what in fact the General Assembly intended with the provision, since it was never debated in public either in committee or on the floor of either house of the General Assembly. While the Department understands that the insurance industry may have intended that the language apply to the MCO issue, that intent is far from clear, primarily because the provision fails to ever use the terms "MCO" or "managed care organization," or reference section 287.135 specifically or the Workers' Compensation Law in general. Indeed, the provision was added to a section on English-language insurance policies. In addition, the use of the term "administering claims" is problematic, since MCOs do not really "administer claims." Rather, they negotiate medical fee discounts and coordinate medical care. By law, the "administration of claims" is a function of insurance companies or third-party administrators, not MCOs. The administration of claims involves a number of functions not performed by MCOs, such as formally receiving a claim, determining whether a claim is "compensable," paying some or all of the claim to the extent it is compensable, setting up a payment schedule, estimating the "reserves" that must be set aside to cover the claim, maintaining a formal "claim" file, and so forth.

However, the Department cannot rule out the possibility that the courts will conclude that the General Assembly intended that this new language apply to the issue of workers' compensation managed care organizations. If so, the rules of statutory construction will require that the language be harmonized with other legislative enactments on the same subject, including section 287.135, RSMo and SCR 58. The Department believes this can be done by recognizing that, because there is no clearly stated intent to the contrary, the SB 895 language should be applied prospectively, on its effective date of August 28, 2002. For the reimbursement of MCO services provided after that date, a contract between the insurer and the MCO would therefore be required. On the other hand, for MCO services provided before that date, no contract between the MCO and the insurer will be required. This interpretation would give force to the provision in SCR 58 directing the Department to provide, via a rule, a mechanism to pay MCOs that have not been paid since 1993. As indicated above, these unpaid MCOs are MCOs that have no contracts with insurers from whom they are seeking reimbursement. That such MCOs are to be paid by insurers was the intent of the General Assembly when it passed section 287.135, an intent which the General Assembly has clarified this year through its Joint Committee on Administrative Rules and SCR 58.

Under this interpretation, SB 895 would preclude the Department from requiring insurers to reimburse MCOs for MCO services provided during the period between the effective date of the new language (i.e., August 28, 2002) and the sunset date of the rule (i.e., December 31, 2002.) Therefore, the only claims remaining to be addressed by the rule would be MCO payment disputes that have arisen during the period between August 28, 1993 (the effective date of section 287.135, RSMo) and August 28, 2002.

20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

(4) Criteria for Determining the Reasonableness of MCO Fees.

(C) Where the type of MCO fee is not an access fee, there shall be a rebuttable presumption that the fee is reasonable under subsection (4)(A) above if it is the standard fee charged by the MCO to other payors, when those other payors include insurers with which the MCO has formal reimbursement agreements. Where the MCO charges different payors different amounts for the fee in question under its formal reimbursement agreements with said payors, there shall be a rebuttable presumption that the lowest of these fees is reasonable under subsection (4)(A) above.

(5) Preconditions for an Insurer's Reimbursement of an MCO's Fees.

(A) An MCO fee must meet the following preconditions, which shall be presumed to be true unless proven otherwise by the insurer:

1. Relate to an injury or illness that is compensable under Chapter 287, RSMo;

2. Relate to a medically necessary procedure or a determination of medical necessity;

3. Relate to a medical claim that has previously been reported to the insurer by the employer;

4. Relate to an employer who has a contract with the insurer for workers' compensation insurance that covers the injury or illness;

5. Be from an MCO which, on the date of the bill charge, was certified by the department;

6. Be from an MCO with which the employer has a written contract to provide MCO services;

7. Be the MCO's standard reimbursement fee for the service in question;

8. Be by means of an administrative fee invoice as required under subsection (3)(E), submitted to the insurer in connection with the underlying health care provider bill; and

9. Be reasonable under section (4) above.

(6) Procedure for Reimbursement by Insurers of MCO Fees.

(F) An insurer may produce evidence to rebut the presumptions of sections (4) and (5) above, including evidence showing that the MCO fee in question is unreasonable in relation to either the managed care services provided or to the savings which result from those services. An MCO may produce evidence in support of said presumptions. Such evidence from either party may include information regarding:

1. The extent to which the medical case involved or required oversight and coordination by the MCO;

2. The fees normally paid by the insurer to other MCOs;

3. The fees normally charged by the MCO to other insurers, and to TPAs, self-insurers and individual employers;

4. The fees normally paid by other insurers to MCOs;

5. The fees normally charged by other MCOs to insurers, TPAs, self-insurers and individual employers;

6. What the health care provider has agreed to accept from the insurer under any agreements other than the MCO agreement in question;

7. The dollar amount of the MCO fee being sought compared to the dollar amount of the underlying usual and customary charge for the service of the health care provider;

8. What an independent database indicates is a usual and customary charge for the health care service, treatment or supplies in question;

9. What a governmental database indicates is a usual and customary charge for the service, treatment or supplies;

10. The charges allowed for the treatment, service, or supplies when the government is the payor;

11. What has been determined to be a reasonable provider fee by the Division of Workers' Compensation under section 287.140.3, RSMo and regulation 8 CSR 50-2.030 for the medical procedure upon which the MCO fee dispute is based, where such a determination has been made;

12. What the department has determined to be a reasonable fee in prior disputes of a similar nature; or

13. Any other information considered relevant by the department.

(G) In order to expedite its review of disputes under this rule, the department may, in its discretion or at the request of either an insurer or an MCO, consolidate separate disputes between a particular MCO and a particular insurer or insurance company holding group into a single dispute where the separate disputes concern common issues or elements.

(H) After both sides have been afforded the opportunity to present their evidence and comment on the evidence presented by the other party, the department shall review said evidence. After its review, the department shall provide the parties with a written advisory opinion of its conclusions as to the reasonableness of the fees under section 287.135, RSMo. The department's advisory opinion on its conclusions as to the reasonableness of the MCO fee shall be subject to *de novo* review by a court of competent jurisdiction pursuant to section 536.150, RSMo.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods

IN ADDITION

In the September 30, 1998 update to the *Code of State Regulations* 3 CSR 10 Chapter 8 was republished to update a separate amendment. Due to a publication error, an earlier version of 3 CSR 10-8.510 appeared without the amendment that became effective March 1, 1998. The amendment published in the *Missouri Register* on June 17, 2002 (27 MoReg 981) is corrected and reprinted here as it will appear in the October 31, 2002 update to the *Code of State Regulations*.

3 CSR 10-8.510 Use of Traps

Traps shall be metal traps with smooth or rubber jaws only, Egg-type traps, cage-type traps or snares set under water only, but shall not include pitfalls, deadfalls, snares set in a dry land set, nets and colony traps. Traps and snares shall be plainly labeled, on durable material, with the user's full name and address *[and shall be attended daily]*. **Wildlife shall be removed or released from all traps daily, except for killer (Conibear-type) traps set under water, and they shall be attended and wildlife removed at least once every forty-eight (48) hours.** Traps may not be set in paths made or used by persons or domestic animals and Conibear-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps may not be set within one hundred fifty feet (150') of any residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. No killer or Conibear-type trap with a jaw spread greater than five inches (5") shall be used in any dry land set but these traps may be set under water and traps with a jaw spread not greater than eight inches (8") may be set six feet (6') or more above ground level in buildings. Snares must have a loop fifteen inches (15") or less in diameter when set and must have a stop device that prevents the snare from closing to less than two and one-half inches (2 1/2") in diameter. Snares must be constructed of cable that is at least five sixty-fourth inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel. Homes, dens or nests of furbearers shall not be molested or destroyed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes

IN ADDITION

The proposed amendment which was published in the *Missouri Register* on May 1, 2002 (27 MoReg 702–706) contained two (2) typographical errors. In subsection (1)(D) the phrase "by up to 2.55%" was omitted from the end of the last sentence. Additionally, in subparagraph (1)(E)3.A., the ending phrase, "unless they are also a facility utilizing blended hazardous waste fuel" should have been in bold text as it was new material. For clarification subsection (1)(D) and subparagraph (1)(E)3.A. are reprinted here as they will appear in the October 31, 2002 update to the *Code of State Regulations*.

10 CSR 25-12.010 Fees and Taxes

(1) Hazardous Waste Fees and Taxes Applicable to Generators of Hazardous Waste.

(D) An individual generator required to register in accordance with 10 CSR 25-5.262 shall pay a tax based on the volume by weight and management method in accordance with subsection (1)(E) of this rule and as required by section 260.479, RSMo. Sixty percent (60%) of revenues collected from this tax shall be transmitted by the department to the Missouri Department of Revenue for deposit in the hazardous waste remedial fund and forty percent (40%) of revenues collected from this tax shall be deposited in the hazardous waste fund. The tax will be based on the volume of hazardous waste generated and the management method utilized beginning on July 1 of the year preceding the billing year and through June 30 of the billing year. A company shall not annually pay more than *[eighty]* **eighty-two** thousand **forty** dollars *[($80,000)]* **($82,040)** collectively for all combined plant sites under the provisions of this subsection **unless the company also has a facility utilizing blended hazardous waste fuel,** nor shall a generator who is required to register in accordance with 10 CSR 25-5.262 pay less than *[fifty]* **fifty-one** dollars **twenty-eight cents** *[($50)]* **($51.28)** annually. However, as outlined in subdivision 260.479.2(2), RSMo these minimum and maximum amounts may be adjusted annually by the commission by up to 2.55%.

(E) A generator who is not otherwise exempted by paragraph (1)(D)1., 2. or 3. of this rule shall pay a tax in each of the applicable subdivisions.

3. TOTAL TAX.

A. The total tax for a generator is the applicable tax in subdivision A plus the applicable tax in subdivision B. No company shall pay **annually** more than *[eighty]* **eighty-two** thousand **forty** dollars *[($80,000)]* **($82,040)** or less than *[fifty]* **fifty-one** dollars and **twenty-eight cents** *[($50)]* **($51.28)** under subsection (1)(E) **unless they are also a facility utilizing blended hazardous waste fuel**.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

"NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

TO ALL CREDITORS AND CLAIMANTS AGAINST EVENTSEATS, LLC, Missouri Limited Liability Company (the "Company"):

You are hereby notified that the Company has terminated, effective August 27, 2002, and is the process of winding up its affairs. All persons having claims against the Company must present their claims in writing and mail their claims to:

Phillip C. Rouse
10401 Holmes Road, Suite 220
Kansas City, MO 64131

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) amount of the claim; (b) basis for the claim; (c) documentation of the claim."

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E03064 Activity Bus 10/15/02
B1E03069 Electric Utility Vehicles 10/15/02
B1Z03071 Meats-December 10/16/02
B1E03073 Truck 10/17/02
B3Z03036 Statewide Annual Assessment of English Proficiency 10/17/02
B3Z03049 Financial Reporting Services 10/17/02
B1E03067 Cut Sheet Paper 10/18/02
B3E03080 Printing-Missouri Motor Vehicle Inspection 10/21/02
B1E03049 Playground Equipment: Recycled Material 10/23/02
B1E03075 Dairy Products 10/23/02
B3Z03016 Dietary Services: Carry-In Meals 10/23/02
B3E03075 Security Guard Services 10/24/02
B3E03079 Janitorial Services-1706 E. Elm St., J.C., MO 10/24/02
B3E03082 Janitorial Services-2710 W. Main St., J.C., MO 10/24/02
B3Z02247 Mail Services 10/24/02
B1E03072 Tractor Truck 10/25/02
B1E03077 Bakery Products-Eastern Region DOC 10/25/02
B3E03058 Hotel/Motel Accommodations 10/25/02
B3E03063 Banking Services-Trustee 10/28/02
B1E03078 Dairy Products: Cheese 10/28/02
B1E03048 Hardware & Miscellaneous Items 10/30/02
B3Z03034 Adolescent Medicine & Health Consultation Services 11/13/02

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Bioterrorism Hospital Preparedness Program, supplied by both the Missouri Hospital Association and the Missouri Primary Care Association.

Advertising in *Rural Missouri*, supplied by Rural Missouri.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 10-11.010	Commissioner of Administration	27 MoReg 1159	27 MoReg 1180		
1 CSR 15-2.200	Administrative Hearing Commission		27 MoReg 1093R	This IssueR	
1 CSR 15-2.210	Administrative Hearing Commission		27 MoReg 1093R	This IssueR	
1 CSR 15-2.230	Administrative Hearing Commission		27 MoReg 1093R	This IssueR	
1 CSR 15-2.250	Administrative Hearing Commission		27 MoReg 1094R	This IssueR	
1 CSR 15-2.270	Administrative Hearing Commission		27 MoReg 1094R	This IssueR	
1 CSR 15-2.290	Administrative Hearing Commission		27 MoReg 1094R	This IssueR	
1 CSR 15-2.320	Administrative Hearing Commission		27 MoReg 1095R	This IssueR	
1 CSR 15-2.350	Administrative Hearing Commission		27 MoReg 1095R	This IssueR	
1 CSR 15-2.380	Administrative Hearing Commission		27 MoReg 1095R	This IssueR	
1 CSR 15-2.390	Administrative Hearing Commission		27 MoReg 1095R	This IssueR	
1 CSR 15-2.410	Administrative Hearing Commission		27 MoReg 1096R	This IssueR	
1 CSR 15-2.420	Administrative Hearing Commission		27 MoReg 1096R	This IssueR	
1 CSR 15-2.430	Administrative Hearing Commission		27 MoReg 1096R	This IssueR	
1 CSR 15-2.450	Administrative Hearing Commission		27 MoReg 1097R	This IssueR	
1 CSR 15-2.470	Administrative Hearing Commission		27 MoReg 1097R	This IssueR	
1 CSR 15-2.480	Administrative Hearing Commission		27 MoReg 1097R	This IssueR	
1 CSR 15-2.490	Administrative Hearing Commission		27 MoReg 1097R	This IssueR	
1 CSR 15-2.510	Administrative Hearing Commission		27 MoReg 1098R	This IssueR	
1 CSR 15-2.530	Administrative Hearing Commission		27 MoReg 1098R	This IssueR	
1 CSR 15-2.560	Administrative Hearing Commission		27 MoReg 1098R	This IssueR	
1 CSR 15-2.580	Administrative Hearing Commission		27 MoReg 1099R	This IssueR	
1 CSR 15-3.200	Administrative Hearing Commission		27 MoReg 1099	This Issue	
1 CSR 15-3.210	Administrative Hearing Commission		27 MoReg 1099	This Issue	
1 CSR 15-3.250	Administrative Hearing Commission		27 MoReg 1100	This Issue	
1 CSR 15-3.320	Administrative Hearing Commission		27 MoReg 1100	This Issue	
1 CSR 15-3.350	Administrative Hearing Commission		27 MoReg 1101	This Issue	
1 CSR 15-3.380	Administrative Hearing Commission		27 MoReg 1101	This Issue	
1 CSR 15-3.390	Administrative Hearing Commission		27 MoReg 1102	This Issue	
1 CSR 15-3.410	Administrative Hearing Commission		27 MoReg 1102	This Issue	
1 CSR 15-3.420	Administrative Hearing Commission		27 MoReg 1103	This Issue	
1 CSR 15-3.425	Administrative Hearing Commission		27 MoReg 1103	This Issue	
1 CSR 15-3.430	Administrative Hearing Commission		27 MoReg 1104R	This IssueR	
1 CSR 15-3.440	Administrative Hearing Commission		27 MoReg 1104	This Issue	
1 CSR 15-3.450	Administrative Hearing Commission		27 MoReg 1105R	This IssueR	
1 CSR 15-3.470	Administrative Hearing Commission		27 MoReg 1105	This Issue	
1 CSR 15-3.490	Administrative Hearing Commission		27 MoReg 1106	This Issue	
1 CSR 15-3.580	Administrative Hearing Commission		27 MoReg 1106	This Issue	
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	This Issue		
1 CSR 40-1.090	Purchasing and Materials Management		27 MoReg 1107		
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.010	Market Development	26 MoReg 1305R 26 MoReg 1305			
2 CSR 30-2.010	Animal Health		27 MoReg 966		
2 CSR 30-2.011	Animal Health	27 MoReg 848			
2 CSR 30-2.012	Animal Health	27 MoReg 1439			
2 CSR 30-2.020	Animal Health		27 MoReg 967		
2 CSR 30-2.040	Animal Health		27 MoReg 969		
2 CSR 30-6.020	Animal Health		27 MoReg 970		
2 CSR 70-13.045	Plant Industries	27 MoReg 767	27 MoReg 774	This Issue	
2 CSR 70-13.050	Plant Industries	27 MoReg 767	27 MoReg 776	This Issue	
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R 27 MoReg 1561		
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R 27 MoReg 1563		
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R 27 MoReg 1563		
2 CSR 70-40.045	Plant Industries		27 MoReg 1564		
2 CSR 90-10.040	Weights and Measures	27 MoReg 1161			
2 CSR 90-20.040	Weights and Measures	27 MoReg 1559	27 MoReg 1564		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
2 CSR 90-22.140	Weights and Measures		This Issue		
2 CSR 90-23.010	Weights and Measures		This Issue		
2 CSR 90-25.010	Weights and Measures		This Issue		
2 CSR 90-30.040	Weights and Measures	27 MoReg 1559	27 MoReg 1565		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 110-1.010	Office of the Director	27 MoReg 1439	27 MoReg 1443		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		27 MoReg 1765		
3 CSR 10-4.130	Conservation Commission		27 MoReg 971	27 MoReg 1478F	
3 CSR 10-4.141	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.205	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.215	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.225	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.340	Conservation Commission		27 MoReg 1182		
3 CSR 10-5.345	Conservation Commission		27 MoReg 1184		
3 CSR 10-5.350	Conservation Commission		27 MoReg 973R	27 MoReg 1479R	
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186		
3 CSR 10-5.352	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.353	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188		
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190		
3 CSR 10-5.365	Conservation Commission		27 MoReg 1192		
3 CSR 10-5.420	Conservation Commission		27 MoReg 1194		
3 CSR 10-5.425	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.440	Conservation Commission		27 MoReg 1196		
3 CSR 10-5.445	Conservation Commission		27 MoReg 1198		
3 CSR 10-5.460	Conservation Commission		27 MoReg 974	27 MoReg 1479F	
3 CSR 10-5.465	Conservation Commission		27 MoReg 975	27 MoReg 1479F	
3 CSR 10-5.550	Conservation Commission		27 MoReg 975R	27 MoReg 1480R	
3 CSR 10-5.551	Conservation Commission		27 MoReg 975	27 MoReg 1480	
3 CSR 10-5.552	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.553	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.559	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.575	Conservation Commission		27 MoReg 976R	27 MoReg 1480R	
3 CSR 10-5.576	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-5.577	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-5.578	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-6.405	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.410	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.415	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.505	Conservation Commission		27 MoReg 1444		
3 CSR 10-6.525	Conservation Commission		27 MoReg 1319		
3 CSR 10-6.540	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.550	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.605	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-7.410	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-7.440	Conservation Commission		N.A.	27 MoReg 1805	
3 CSR 10-7.435	Conservation Commission		27 MoReg 1319		
3 CSR 10-7.455	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-8.510	Conservation Commission		27 MoReg 981	27 MoReg 1482F	This Issue
3 CSR 10-8.515	Conservation Commission		27 MoReg 981	27 MoReg 1483F	
3 CSR 10-9.106	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.110	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.220	Conservation Commission		27 MoReg 983	27 MoReg 1483F	
3 CSR 10-9.351	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
3 CSR 10-9.353	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
		27 MoReg 1441	27 MoReg 1445		
		27 MoReg 1441T			
3 CSR 10-9.359	Conservation Commission		27 MoReg 986	27 MoReg 1484F	
3 CSR 10-9.425	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.442	Conservation Commission		N.A.	27 MoReg 1806	
3 CSR 10-9.560	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.565	Conservation Commission	27 MoReg 1441	27 MoReg 1448		
		27 MoReg 1441T			
3 CSR 10-9.566	Conservation Commission		27 MoReg 1765		
3 CSR 10-9.570	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.575	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.625	Conservation Commission		27 MoReg 988	27 MoReg 1484	
3 CSR 10-9.627	Conservation Commission		27 MoReg 1766		
3 CSR 10-9.628	Conservation Commission		27 MoReg 1766		
3 CSR 10-9.630	Conservation Commission		27 MoReg 989R	27 MoReg 1485F	
3 CSR 10-9.645	Conservation Commission		27 MoReg 989	27 MoReg 1485F	
3 CSR 10-10.743	Conservation Commission		27 MoReg 990	27 MoReg 1485F	
3 CSR 10-11.110	Conservation Commission		27 MoReg 990	27 MoReg 1485	
3 CSR 10-11.115	Conservation Commission		27 MoReg 990	27 MoReg 1485	
3 CSR 10-11.125	Conservation Commission		27 MoReg 991	27 MoReg 1485	
3 CSR 10-11.140	Conservation Commission		27 MoReg 991	27 MoReg 1486	
3 CSR 10-11.145	Conservation Commission		27 MoReg 991	27 MoReg 1486F	
3 CSR 10-11.150	Conservation Commission		27 MoReg 1200	27 MoReg 1807	
3 CSR 10-11.155	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.160	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.165	Conservation Commission		27 MoReg 993	27 MoReg 1486F	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-11.180	Conservation Commission		27 MoReg 993 27 MoReg 1451	27 MoReg 1486	
3 CSR 10-11.182	Conservation Commission		27 MoReg 994 27 MoReg 1200 27 MoReg 1452	27 MoReg 1487 27 MoReg 1807	
3 CSR 10-11.183	Conservation Commission		27 MoReg 995	27 MoReg 1487	
3 CSR 10-11.186	Conservation Commission		27 MoReg 995	27 MoReg 1487F	
3 CSR 10-11.205	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.210	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.215	Conservation Commission		27 MoReg 997	27 MoReg 1487F	
3 CSR 10-12.110	Conservation Commission		27 MoReg 998	27 MoReg 1488F	
3 CSR 10-12.125	Conservation Commission		27 MoReg 998	27 MoReg 1488	
3 CSR 10-12.135	Conservation Commission		27 MoReg 998 27 MoReg 1453	27 MoReg 1488	
3 CSR 10-12.140	Conservation Commission		27 MoReg 998 27 MoReg 1453	27 MoReg 1488	
3 CSR 10-12.145	Conservation Commission		27 MoReg 999 27 MoReg 1454	27 MoReg 1488	
3 CSR 10-20.805	Conservation Commission		27 MoReg 1000	27 MoReg 1488	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects		27 MoReg 1251		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects		27 MoReg 1255		
4 CSR 100	Division of Credit Unions				27 MoReg 1062 27 MoReg 1124 27 MoReg 1222 27 MoReg 1288 27 MoReg 1512 27 MoReg 1722
4 CSR 100-2.005	Division of Credit Unions		27 MoReg 1768		
4 CSR 110-2.110	Missouri Dental Board		27 MoReg 1255R 27 MoReg 1255		
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 1257		
4 CSR 140-11.010	Division of Finance		27 MoReg 459R	27 MoReg 1489W	
4 CSR 140-11.020	Division of Finance		27 MoReg 459R	27 MoReg 1489W	
4 CSR 140-11.030	Division of Finance		27 MoReg 459	27 MoReg 1489W	
4 CSR 140-11.040	Division of Finance		27 MoReg 461	27 MoReg 1489W	
4 CSR 150-2.030	State Board of Registration for the Healing Arts		27 MoReg 860	27 MoReg 1807	
4 CSR 150-2.040	State Board of Registration for the Healing Arts		27 MoReg 860	27 MoReg 1807	
4 CSR 150-2.060	State Board of Registration for the Healing Arts		27 MoReg 860	27 MoReg 1807	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		27 MoReg 776	27 MoReg 1717	
4 CSR 150-2.155	State Board of Registration for the Healing Arts		27 MoReg 861	27 MoReg 1807	
4 CSR 150-3.010	State Board of Registration for the Healing Arts		27 MoReg 1257		
4 CSR 150-3.020	State Board of Registration for the Healing Arts		27 MoReg 1258		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		27 MoReg 1258		
4 CSR 150-3.210	State Board of Registration for the Healing Arts		27 MoReg 1565		
4 CSR 150-4.010	State Board of Registration for the Healing Arts		27 MoReg 861	27 MoReg 1808	
4 CSR 150-4.060	State Board of Registration for the Healing Arts		27 MoReg 861	27 MoReg 1808	
4 CSR 150-4.220	State Board of Registration for the Healing Arts		27 MoReg 1568		
4 CSR 150-6.050	State Board of Registration for the Healing Arts		27 MoReg 862	27 MoReg 1808	
4 CSR 150-6.080	State Board of Registration for the Healing Arts		27 MoReg 1570		
4 CSR 150-7.200	State Board of Registration for the Healing Arts		27 MoReg 862	27 MoReg 1808	
4 CSR 150-7.320	State Board of Registration for the Healing Arts		27 MoReg 1572		
4 CSR 150-8.060	State Board of Registration for the Healing Arts		27 MoReg 862	27 MoReg 1808	
4 CSR 150-8.150	State Board of Registration for the Healing Arts		27 MoReg 1574		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		27 MoReg 1258		
4 CSR 200-4.020	State Board of Nursing		27 MoReg 1258		
4 CSR 200-4.030	State Board of Nursing		27 MoReg 1261		
4 CSR 205-1.050	Missouri Board of Occupational Therapy		27 MoReg 1262		
4 CSR 210-2.010	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.011	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.020	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.040	State Board of Optometry		27 MoReg 1266		
4 CSR 210-2.070	State Board of Optometry		27 MoReg 1266		
4 CSR 210-2.081	State Board of Optometry		27 MoReg 1266		
4 CSR 220-2.010	State Board of Pharmacy		27 MoReg 1267		
4 CSR 220-2.025	State Board of Pharmacy		27 MoReg 1270		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 1270		
4 CSR 220-2.050	State Board of Pharmacy		27 MoReg 1271		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.100	State Board of Pharmacy		27 MoReg 1271		
4 CSR 220-3.040	State Board of Pharmacy		27 MoReg 777	27 MoReg 1808	
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576		
4 CSR 240-2.075	Public Service Commission		27 MoReg 691	27 MoReg 1809	
4 CSR 240-2.080	Public Service Commission		27 MoReg 1107		
4 CSR 240-2.115	Public Service Commission		27 MoReg 691	27 MoReg 1811	
4 CSR 240-2.117	Public Service Commission		27 MoReg 692	27 MoReg 1814	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R		
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578		
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582		
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583		
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4 CSR 240-3.225	Public Service Commission		27 MoReg 1601		
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4 CSR 250-3.010	Missouri Real Estate Commission		27 MoReg 1272		
4 CSR 250-4.020	Missouri Real Estate Commission		27 MoReg 1272		
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4 CSR 250-4.075	Missouri Real Estate Commission		27 MoReg 1273		
4 CSR 250-4.080	Missouri Real Estate Commission		27 MoReg 1273		
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4 CSR 250-9.010	Missouri Real Estate Commission		27 MoReg 1274		
4 CSR 250-10.010	Missouri Real Estate Commission		27 MoReg 1274		
4 CSR 250-10.020	Missouri Real Estate Commission		27 MoReg 1274		
4 CSR 250-10.030	Missouri Real Estate Commission		27 MoReg 1275		
4 CSR 250-10.040	Missouri Real Estate Commission		27 MoReg 1275		
4 CSR 250-10.070	Missouri Real Estate Commission		27 MoReg 1275		
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4 CSR 255-2.050	Missouri Board for Respiratory Care		27 MoReg 780	27 MoReg 1817	
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4 CSR 255-4.010	Missouri Board for Respiratory Care		27 MoReg 1276		
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4 CSR 267-2.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1660		
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1664		
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4 CSR 267-4.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1670		
4 CSR 267-5.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1673		
4 CSR 267-5.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1676		
4 CSR 267-5.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1678		
4 CSR 267-5.040	Office of Tattooing, Body Piercing and Branding		27 MoReg 1681		
4 CSR 267-6.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1683		
4 CSR 267-6.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1685		
4 CSR 267-6.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1687		
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5 CSR 80-800.220	Teacher Quality and Urban Education		27 MoReg 1690		
5 CSR 80-800.230	Teacher Quality and Urban Education		27 MoReg 1691		
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9 CSR 30-4.010	Certification Standards		27 MoReg 1457		
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10 CSR 10-2.080	Air Conservation Commission		27 MoReg 564R	27 MoReg 1817R	
10 CSR 10-2.260	Air Conservation Commission		27 MoReg 699	This Issue	
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10 CSR 10-5.180	Air Conservation Commission		27 MoReg 564R	27 MoReg 1817R	
10 CSR 10-5.320	Air Conservation Commission		27 MoReg 1108R		
10 CSR 10-5.380	Air Conservation Commission		27 MoReg 1010		
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704		
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707		
10 CSR 10-6.130	Air Conservation Commission		27 MoReg 622	27 MoReg 1818	
10 CSR 10-6.220	Air Conservation Commission		27 MoReg 564	27 MoReg 1823	
10 CSR 10-6.320	Air Conservation Commission		27 MoReg 1108		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708		
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11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
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11 CSR 45-4.060	Missouri Gaming Commission		27 MoReg 1471		
11 CSR 45-5.183	Missouri Gaming Commission		27 MoReg 1110		
11 CSR 45-5.200	Missouri Gaming Commission		27 MoReg 1785		
11 CSR 45-7.040	Missouri Gaming Commission				26 MoReg 2184
11 CSR 45-30.570	Missouri Gaming Commission		27 MoReg 1110		
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11 CSR 75-2.010	Peace Officer Standards and Training		27 MoReg 866R	27 MoReg 1491R	
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11 CSR 75-3.010	Peace Officer Standards and Training		27 MoReg 867R	27 MoReg 1491R	
11 CSR 75-3.020	Peace Officer Standards and Training		27 MoReg 867R	27 MoReg 1491R	
11 CSR 75-3.030	Peace Officer Standards and Training		27 MoReg 867R	27 MoReg 1492R	
11 CSR 75-3.040	Peace Officer Standards and Training		27 MoReg 868R	27 MoReg 1492R	
11 CSR 75-3.050	Peace Officer Standards and Training		27 MoReg 868R	27 MoReg 1492R	
11 CSR 75-3.060	Peace Officer Standards and Training		27 MoReg 868R	27 MoReg 1492R	
11 CSR 75-3.070	Peace Officer Standards and Training		27 MoReg 868R	27 MoReg 1492R	
11 CSR 75-3.080	Peace Officer Standards and Training		27 MoReg 869R	27 MoReg 1492R	
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11 CSR 75-4.030	Peace Officer Standards and Training		27 MoReg 870R	27 MoReg 1493R	
11 CSR 75-4.040	Peace Officer Standards and Training		27 MoReg 870R	27 MoReg 1493R	
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11 CSR 75-6.020	Peace Officer Standards and Training		27 MoReg 872R	27 MoReg 1494R	
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11 CSR 75-8.010	Peace Officer Standards and Training		27 MoReg 873R	27 MoReg 1495R	
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11 CSR 75-8.030	Peace Officer Standards and Training		27 MoReg 873R	27 MoReg 1495R	
11 CSR 75-9.010	Peace Officer Standards and Training		27 MoReg 873R	27 MoReg 1495R	
11 CSR 75-9.020	Peace Officer Standards and Training		27 MoReg 874R	27 MoReg 1495R	
11 CSR 75-9.030	Peace Officer Standards and Training		27 MoReg 874R	27 MoReg 1496R	
11 CSR 75-10.010	Peace Officer Standards and Training		27 MoReg 874R	27 MoReg 1496R	
11 CSR 75-10.020	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
11 CSR 75-10.030	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
11 CSR 75-10.040	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
11 CSR 75-10.050	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
11 CSR 75-10.060	Peace Officer Standards and Training		27 MoReg 876R	27 MoReg 1496R	
11 CSR 75-10.070	Peace Officer Standards and Training		27 MoReg 876R	27 MoReg 1497R	
11 CSR 75-10.080	Peace Officer Standards and Training		27 MoReg 876R	27 MoReg 1497R	
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11 CSR 75-11.030	Peace Officer Standards and Training		27 MoReg 877R	27 MoReg 1498R	
11 CSR 75-11.035	Peace Officer Standards and Training		27 MoReg 878R	27 MoReg 1498R	
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